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TRB

from Washington ®
April 30, 1977

The Enemy is Ourselves

There is no aspect of American government more absorbing than the exercise of presidential leadership in a momentous cause. I am persuaded that President Carter's drive to conserve energy is such a cause.

I came to Washington in time to see the detested Henry Cabot Lodge still in the Senate, the man who defeated Wilson's effort to take us into the League. A quarter of a century later I watched Senator Arthur Vandenberg, Republican of Michigan, the man who helped Harry Truman put the Marshall Plan into effect. Without the Marshall Plan we would have thrown away the peace after World War II the way we threw it away after the first war. Presidential leadership was central in both episodes.

It seems preposterous at first to couple the energy crisis with these war chapters—why, there isn't even a "crisis" at all, let alone a war; you can go to the nearest filling station and get all the gas you want. The supply of oil may actually increase in the next few years with the Alaska pipeline, and North Sea oil. But I believe that a new era has begun, whether we comprehend it or not; that in the world at large the supply of goods is being overtaken in some particulars by the supply of people; and that even in the United States the Age of Opulence is about over and we must bestir ourselves to save that dearest of all our possessions, and by all means most central element of American life, the family car.

Jimmy Carter in his speech last week mentioned "10 fundamental principles." Woodrow Wilson had his "14 points." The long-jawed Presbyterian had a sense of uncompromising moral rectitude and when the Senate balked at the League, he set out in his special train "The Mayflower" to carry his appeal over their heads to the people. It would "break the heart of mankind," he said, for the United States to reject the League; it would bring another war in 20 years; it would betray the "serried ranks of those in khaki, not only those boys who came home, but those dear ghosts who still deploy upon the fields of France." He made them weep, he zigzagged 8000 miles across America, he made 40 eloquent speeches, every one different, he had a stroke. And the Senate rejected the League. Presidential leadership was unsuccessful. As Wilson had warned, the Second World War came punctually.

Harry Truman had better luck. Thirty years ago he sent his Secretary of State, George Marshall, to Cambridge, Massachusetts, to propose what was then called the "European Recovery Program." (Undersecretary Dean Acheson advised against Cambridge; nobody, he said, paid any attention to a commencement address; indeed the *Boston Globe* gave it second place on page one, with the banner headline going to a Truman threat to veto pending labor and tax bills.) But when British Foreign Secretary Ernie Bevin heard about the June 4 speech he hopped out of bed and eagerly called the Foreign Office. The United States had taken leadership in a world problem, he found, to save bankrupt Europe.

Without any flights of oratory General Marshall made statements that sound a bit, 30 years later, like plain-speaking Jimmy Carter on TV last week: "Political passion and prejudice should have no part," he said. "With foresight, and the willingness on the part of people to face up to the vast responsibility which history has clearly placed upon our country, the difficulties I have outlined can and will be overcome."

America's allies asked for $22.4 billions in loans and grants to restore their economies, and when Foreign Minister Molotov could not disrupt the meeting he walked out. There was opposition at home, but Truman had the advantage of a present and visible crisis; the venom of Wilson's day didn't exist, and Vandenberg came to his support. When Communists seized Czechoslovakia Marshall's warning was vindicated that "a very serious situation is rapidly developing which bodes no good for the world." America advanced $22 billions in the next three years and Marshall Plan countries' economies jumped 25 percent.

When Carter talked on television last week he reached more people in 30 minutes than saw the doomed Wilson on 8000 agonizing miles. He followed it up with another TV press conference. He has since used every device of modern presidential leadership to get the story over. He made extraordinary concessions and compromises, some of them awkward and graceless. The $50 rebate which a few weeks before was the heart of his economic stimulus package was suddenly dumped; he had second thoughts on the pork-barrel water projects which he had previously justly proscribed; he found himself able to more than double his initial proposal for farm support spending over the next four years. Mr. Carter was out looking for political allies in a battle which he, and world energy experts, desperately want him to win, but which he may very well lose.

The difficulty is, of course, that this time the enemy is not the Kaiser, not the Communists, but ourselves. A further difficulty is to persuade voters, even if they acknowledge a crisis exists, that the proposed Carter sacrifices are being equitably shared. He offers a variety of complicated solutions, each one subject to attack by a powerful special interest group. The solutions tend to be inflationary: the price of gasoline and heating oil are going up, one way or another. Compensatory advantages to middle-class and low-income groups are complicated and uncertain. Senate minority leader and Republican presidential hopeful Howard Baker of Tennessee, who knows a political issue when he sees it, instantly declares that he is "unalterably opposed" to increased gasoline taxes. Gasoline costs the West Germans $1.43 a gallon, the British $1.50, the Italians $2.13, but Senator Baker appeals to the instinctive feeling of Americans that cheap gasoline is somehow a God-given, or at least constitutional right.

It is a very chancey and uncertain battle. Mr. Carter, if he had wanted to, could, as he said, have let it "drift along for a few more years." That would have been extremely dangerous for America. I think he showed character in attacking it frontally. His solutions are, of course, subject to debate. But as I listened to his quiet, earnest delivery, without a trace of the much-caricatured toothy grin, I thought he was at his best and that it was good fun and rather splendid to see a new president take on so many powerful interest groups and such a difficult task of leadership.

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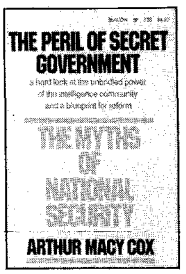

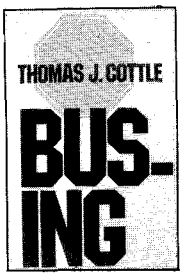

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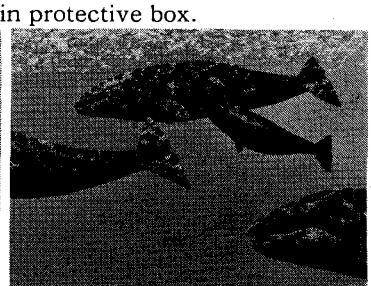

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THE NEW REPUBLIC

April 30, 1977

Strong Medicine

A stern President Carter sat us down without a smile last week for an "unpleasant talk" on energy. He had promised to deliver this package of energy ideas by April 20, and he said it would be unpopular. He kept his word. The day after his grim speech on self-sacrifice, members of his own party in Congress were hard-pressed to find anything kind to say about it. The White House received only a trickle of favorable phone calls from citizens. The oil industry was noticeably upset.

The President's message came out in three parts, as a CBS reporter explained, in the standard format taught in broadcasting school. On Monday night Carter explained what he was going to say. On Wednesday before a joint session of Congress he said it. And on Friday morning at a White House press conference he explained what he had said. His style was more compelling than anything attempted by his predecessors Jerry Ford and Richard Nixon, both of whom wrestled with the same problem and failed to persuade Congress to endorse conservation measures that would have had an impact. The tone this time was sober, earnest and free of hyperbole. Carter did not indulge in the cheerleader techniques that made the last administration's conservation plan seem so flimsy. There will be no buttons or banners. He didn't make the promise of wealth-around-the-corner that gave Nixon's Project Independence and Ford's modified version of the same idea a hollow ring. Carter stepped off in a new direction, promising only sacrifices and inconvenience. He was remarkably honest.

The substance of his plan is not so compelling. Although Carter spoke a good deal about the spirit of conservation and fairness, as of this writing he has not produced details of enough clarity or definition to permit judgment on these points. His chief energy adviser and future Secretary of Energy gave a briefing to reporters before the big speech in Congress that was entertaining but annoying in its vagueness. It began awkwardly when a White House official insisted that the energy czar be quoted only "on background" as a senior energy official. Reporters grumbled, but were not told why they had to use the anonymous cover. In the course of the meeting, the briefer was asked and could not answer some important questions like these: How much will the program cost to administer? How will the standby tax on gasoline be rebated to consumers? How much will the subsidy to efficient cars benefit foreign car makers? How will the tax rebate to consumers of heating oil be administered? Although there were many gaps of this kind, a paper given out at the briefing did provide many details about energy policy, much of it in the future tense, suggesting that the administration knows where it intends to go even if it hasn't gotten there yet.

As Carter and his energy adviser pointed out, the singular difference between this plan and those of Nixon and Ford is that it puts almost exclusive emphasis on conservation, mandatory conservation, and gives very few new rewards to the producers of energy. When the energy chief was asked about this by an insistent reporter, the chief responded in a belittling tone: "The public must be informed that conservation is necessary. I've never assumed that producers need to be informed that producing oil and gas is desirable. . . . I suggest that a $13 price [for a barrel of oil] is a very ample incentive; it is not an ungenerous policy." This tart reply and the President's words about the need for better government surveillance of industry's behavior are encouraging signs. Carter may not be ready to break apart the oil cartel, but at least he will not parrot its requests for ever-increasing subsidies. It's a delight to hear this change of tune after the eight-year

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Miserere set to oil industry music by Nixon, Ford and Nelson Rockefeller.

The list of proposed changes in Carter's policy is long and complex, but three items immediately catch the eye—the big taxes. In chronological order, the first to appear would be the "gas-guzzler tax," the name used officially by Carter himself. This, and not the gasoline tax, is the real foundation of the program. Beginning with cars sold this fall, the 1978 models, Carter would impose a large tax on those that cannot meet the already enacted federal mileage guidelines. The tax would be returned as a rebate on cars that are more efficient than the guidelines require. For example, a car sold this fall that gets less than 18 miles a gallon would be hit with a tax, while one that gets more than 18 miles a gallon would be subsidized. The worst guzzlers would be taxed $449 each and the most efficient cars, including all electric vehicles, would get a $473 rebate. It's not at all clear how the plan would be administered.

In January 1979, when the first generation of these cars should be on the road, a "standby" gasoline tax would be invoked. This is plainly the bitterest part of the medicine. The gas tax would go up five cents a gallon each year that gasoline consumption goes above a targeted level. The tax would go down if the target is beaten. Carter proposed to redistribute the revenue gathered thus in a "progressive manner." Once again, the manner needs further definition.

Most complex of all, there will be a wellhead tax on all crude oil produced in the US. The purpose, according to Carter's energy czar, is essentially to make administration of the oil market simpler and to discourage consumption without granting producers a windfall profit. This tax will be imposed in several bites, beginning next January with the equivalent of a two-cent tax on a gallon of crude. The reasons for the tax are too snarled in administrative logic to repeat in detail, but it is interesting that the bulk of the rebate in this case will go to consumers of home heating oil, particularly those in New England. One of the reasons Jerry Ford's energy plan ran into trouble was that it increased heating oil prices suddenly and drastically without taking into consideration the people of New England and their congressional musclemen, notably Tip O'Neill (D, Mass.). O'Neill is now Speaker of the House, and Carter seems to have engineered a plan that O'Neill will be willing to take under his wing.

There are in addition positive incentives, all designed to encourage capital investment in efficient technology. Carter proposes tax credits for homeowners who insulate their houses or buy solar heating equipment; a 10 percent credit for businesses that do the same; an order requiring utilities to offer weatherproofing of their customers' houses and charge them for the service as part of the electric bill; and a subsidy for schools and hospitals to finance new insulation. There are some mandatory measures: minimum efficiency standards for appliances, new rules for electric rate setting and an executive order or two to make the federal government lead the way in investing in more efficient technology.

The driving fact in all of this is that Carter intends to make oil and natural gas more expensive—a lot more expensive. Ford proposed to do this too, but he wanted to return the revenue collected by the price increase back to the economy without changing the structure of the economy. He did not propose, as Carter does, to intervene directly and channel money away from established patterns of investment into new and unorthodox ones. After raising prices, Ford's plan was to remove all federal controls, step out of the picture and permit the energy companies to run the system as they wished. This method would have handed the companies a tremendous windfall. He promised he would impose a windfall profits tax, but we later discovered that the tax would have been refunded to any company that invested in new energy projects. In sum, no energy company would have lost its windfall.

By contrast, Carter intends to distribute the windfall directly back to consumers. This, he hopes, will make it possible for them to pay for solar heaters, new and more efficient cars and home insulation. Carter's position on natural gas also is quite different from Ford's. Instead of releasing producers from federal control, as Ford intended, he would extend it to cover not just gas sold between states, but also gas that is produced and sold within a single state. At the same time, he would allow the national average price of gas to climb.

The most serious objection to Carter's plan comes from his own economists. It is that no one has proved yet that it's possible to "conserve" oil and gas without stunting economic growth. The chief of Carter's Council of Economic Advisers, Charles Schultze, is said to have raised this objection when he saw an early draft of the energy proposal. *The Wall Street Journal* reported that he was overruled by James Schlesinger, the energy czar and designer of the plan. Schultze raised the same question in this magazine when the Ford energy plan was before Congress in 1975 ("Another Oil Recession," *TNR*, July 5 & 12, 1975). Schultze argued that a large increase in oil prices was exactly the wrong medicine to feed an economy climbing gingerly up the slope from a recession. At the very minimum, he wrote, price increases must be balanced by some compensation to consumers to avoid economic disaster. Carter and Schlesinger seem to have taken this advice to heart. They provide extensive rebates. And yet the question remains: is it possible to raise the real price of energy—not just shuffle the price from one place to another—and keep the economy intact?

A persuasive essay on this subject, written by a British physicist named Amory Lovins, appeared in *Foreign Affairs* last October. Lovins pointed out that the economies of Germany, Japan and Sweden are just as

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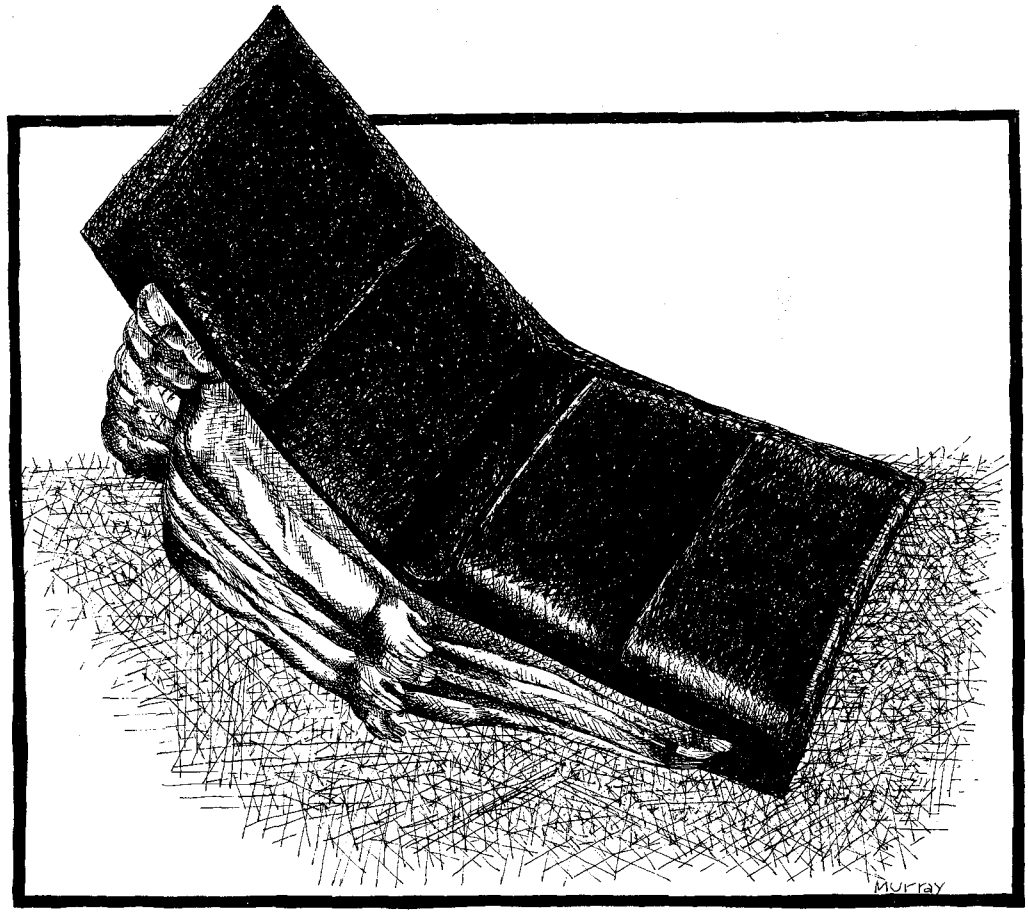

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We want to make sure when politicians say they're meeting fiscal needs, they're not ignoring human needs at the same time."

"The business of government is people."

AFSCME in the public service

Jerry Wurf, President
American Federation of State,
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healthy as our own, but manage to get by on far less energy per capita. He insisted that the US can do what Germany does, given time. The only problem is to shift from a high rate of energy use to a low rate, and that, Lovins wrote, is a political problem. Industries that thrive on wasteful energy habits will resist the change.

This appears to be the logic that underlies Carter's plan. The President and his energy czar believe that time and capital invested in conservation is more valuable than investments in crash production programs. As Lovins put it in his article, it takes a two-dollar capital investment to get an extra barrel of oil by investing in efficient machinery and about $14 to get a new barrel of oil out of the ground. The theory says that money spent on the old energy system—searching for oil and gas, building ever bigger central electric plants—is wasted. If the sum to be spent on rescuing us from the crisis is, say, $100 billion, it will buy 50 billion new barrels of oil if spent on more efficient machinery but only 7.1 billion barrels if spent on scrounging for supplies.

The theory works elegantly, but politicians in the 20th century are not accustomed to voting on the basis of what an elegant theory tells them. They are particularly reluctant when some able lobbyists are close by giving them good, pragmatic reasons for opposing it. That is precisely the dilemma that Carter and Congress find themselves in. It will require a leap of faith to vote for this energy plan. Carter may be ready to jump, but Congress may not.

In simple terms, Carter proposes to anticipate an economic calamity and give us an early taste of what it will be like. The calamity is nothing less than the exhaustion of the world's oil supply. The White House last week released a study of oil reserves done by the CIA which was meant to give substance to Carter's doomsday message. The report announced some alarming findings: US oil production has passed its peak and never will recover, the USSR will cease to export oil and begin to compete with the West for OPEC supplies by 1985, and unless consumers shift to more efficient machinery immediately, an enormous leap in oil prices will occur in 1982 or 1983. The last time that happened, in 1973-1974, the international economic order was thrown into chaos. The US had the worst unemployment since the Great Depression, and the Western business system came unraveled in Italy and nearly fell apart in Britain. Another sudden price jump would have a more devastating effect. This is the calamity the President wishes to avoid.

By raising the oil price now, Carter hopes to inoculate the US against a plague that is due to arrive on our shores in the 1980s. Theory has it that the impact of oil price increases will be less severe on society if they are stretched out over time. Early, small doses of the stuff make panic less likely. Industries that would thrive in a high-priced energy environment are given a little boost by this medicine, but others that would die get a little poison. By administering the stuff now, Carter may hope to persuade some of the moribund industries to adapt and save themselves. This is something Ford would not have done because he professed a firm belief in the principles of the free market. No meddling. (But if the free market had bankrupted General Motors, would he have let it die? We think he would have meddled.)

It is dangerous to second-guess the market, even when your guesses are based on the very best computer models. Then how does Carter justify his meddling? Though he hasn't put it this way himself, the explanation is that he thinks he has a better perspective on the future than the car buyers, the car sellers or the energy companies. He assumes that in five years oil prices will begin climbing relentlessly upward and that in 30 years oil may be so scarce that it would be just as efficient to run a car on Chanel Number 5 as to run it on gasoline. Believing this and knowing that it takes the bureaucratic car companies in Detroit ages to respond to economic change, he has decided to save them from themselves. Rather than bend the economy to suit the plans of the automakers and fuel companies, he has decided to bend it to suit his own vision.

No doubt Carter believes that if he did not meddle in their business, the big three car makers in Detroit would continue fighting over their dwindling share of the market like dinosaurs scrapping over the last patch of swamp grass. They have been so preoccupied with preserving the old-fashioned American car in the last decade that they have already been left behind in the evolutionary struggle. Japanese and European companies now make the best small cars. Detroit insists that it has lagged behind only because its customers demand it. But what if the customer should suddenly change his mind overnight? One senses that Detroit would just roll belly-up in the swamp and die. Carter wants to become a referee among the aging beasts of American enterprise to prevent this kind of tragedy. He really does mean to save them from their own folly.

White House Watch

Jimmy and the Folks

Margaret (Midge) Costanza, the only woman on the President's senior staff and the highest in rank among some 20 assistants who labor to keep Jimmy Carter and "the people" in touch and tune with each other, tells a story about her first day at the White House. The story tells a lot about Midge and also about an aspect of the

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Correspondence

Discriminating protection

To the editors:

Nathan Lewin's article, "Trivializing Discrimination" (*TNR*, Apr. 2), makes an important point. One senses in the votes of some of the Supreme Court Justices economy-minded responses to equal protection challenges. Low-cost equalization attracts support lost when the price-tag becomes substantial. But Mr. Lewin picks some poor examples, among them, three gender classification decisions. He derides the Court's performance in the Oklahoma 3.2 beer case (*Craig* vs. *Boren*) and in two recent social security cases (*Califano* vs. *Goldfarb* and *Califano* vs. *Webster*). Taken together the controlling opinions in those cases indicate significant doctrinal development.

From Mr. Lewin's isolated perch, the issue in *Craig* vs. *Boren* (whether boys could buy "near-beer" at the same age as girls) appears "gossamer." But gender-based distinctions barely more substantial still clutter federal and state lawbooks. The "near-beer" case illustrates a familiar legislative proclivity, a marked tendency to categorize by gender based on traditional notions about "the way women (or men) are." Classification by gender merits close review, the Court held in *Craig* vs. *Boren*. The majority opinion squarely rejects pigeonholing by sex that does not "substantially" further "important government objectives." That is new doctrine. It should aid equal rights advocates in cases of greater immediate significance than the "near-beer" case.

Elaborating on the heightened review standard declared in *Craig* vs. *Boren*, the Court attempted an important synthesis in the social security cases (*Goldfarb* and *Webster*). *Goldfarb* concerned derivative benefits automatically available to the spouse of a male worker, but not to the spouse of a female worker. The Court again condemned knee-jerk classification by gender. This time, the Court confronted the most traditional sex-line, a law ranking women dependent, men independent. As Justice Stevens explained, the disparate treatment Congress ordered for wives and widows on the one hand, husbands and widowers on the other, reflected nothing more than "habit," the legislators' "traditional way of thinking about females." (Women are "the weaker sex," they are not men's equals, they must rely on men for support and protection.)

Webster, by contrast, involved no "romantically paternalistic" view of women as men's appendages. At issue in that case was a classification, effective from 1956 to 1972, establishing a more favorable social security benefit calculation for retired female workers than for retired male workers. The 1956 Congress had acted in direct response to the adversely discriminatory conditions women encountered in the labor market—depressed wages for "women's work," early retirement routinely forced upon women, but not upon men. Congress sought to lessen projection of the effects of these discriminatory conditions into the working woman's retirement years. In 1972, Congress eliminated the differential. It extended to men the more favorable calculation once reserved for women. Congress took this action after the Equal Pay Act and Title VII of the 1964 Civil Rights Act were made applicable to most sectors of the economy. Those laws prohibited the discriminatory employer practices that supplied the *raison d'etre* for the 1956 social security classification.

Two points are clarified in the *Webster* majority opinion. (1) When, as in *Webster*, legislation directly addresses discrimination and serves to remedy it, disparate treatment of the sexes, at least as interim measure, is constitutional. (2) When, as in *Goldfarb* and *Craig* vs. *Boren*, disparate treatment is rooted in traditional role-typing (or in gross notions of what girls and boys are made of), and is not deliberately and specifically aimed at redressing past injustices, disparate treatment based on sex is unconstitutional.

In sum, Mr. Lewin appropriately criticizes the Court for its myopic treatment of pregnant problems, but he underrates the positive side of the ledger in gender discrimination cases. In *Craig* vs. *Boren* and *Goldfarb*, the Court moved a step closer to recognition of sex as an "inherently suspect" criterion for official line drawing. The majority opinion in *Webster* attempts to preserve and bolster a general rule of equal treatment while leaving a corridor open for genuinely compensatory classifications. The line between impermissible adverse discrimination and permissible rectification sketched in *Webster* likely will bear significantly on—in Mr. Lewin's words—"important and far-reaching discrimination questions" now reaching the High Court.

Ruth Bader Ginsburg
Columbia Law School

Professor Ginsburg represented the appellee in Califano *vs.* Goldberg *and filed a brief amicus curiae for ACLU in* Craig *vs.* Boren.

Suitable reward

To the editors:

I deeply resent Maugham's being dumped in the trash heap with Segal ("Love Won't Buy You Money," *TNR*, Mar. 26). That was a dirty trick to play on Willie. Maugham will be remembered when Rosenblatt is roasting in the underworld.

Jacquelyn Callaghan
Santa Rosa, California

In reply:

Agreed.

Roger Rosenblatt

Calder

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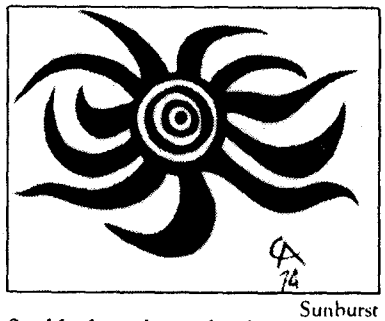

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Carter White House that can move a listener to either awe or laughter, depending upon one's tolerance for unabashed sentimentality.

"Do you want to know," she begins, "what happens to somebody like me who comes into the White House and is given the office next door to the Oval Office? Well, I'll tell you what happened to me that first day. I went into the President's office when he wasn't there. I touched the desk, I touched the chair, and I came to a decision. My decision was that it was not the desk, it was not the chair, that made that place what it was to me. It was the man who sits in that chair and at that desk. Then I went back to my office and I said to myself, 'The world won't end with the end of this job. But I love being here. I'm here to help this President break through the isolation that has surrounded other Presidents, and I appreciate the opportunity. I hope the job I do will keep me here the whole four years with Jimmy Carter. Yes, and the four years after that—the whole eight years!'"

After a while with Midge Costanza, you have to believe that she would and did say exactly that and all of that to herself at that moment. She's tiny, she's well into her 40s, she's never married, and her jet-black hair is worn so tightly and flatly against her head that it could be mistaken for a wig. A subordinate who has seen it when it's been mussed by wind and rain says it's real and looks awful in that condition. She speaks as she lives and works—with a rushing intensity that variously overwhelms and amuses her associates. She is the first woman who has held the title of "assistant to the President" and her complete title is "assistant to the President for public liaison." The highest White House rank previously accorded women has been "special assistant." In view of his campaign promises to put unprecedented numbers of women in top federal jobs, Carter practically had to have at least one woman among the nine people on his senior staff. Costanza got the call partly because she endorsed Jimmy Carter for President in 1974, before he'd declared his candidacy and when she was a member of the city council and vice mayor of Rochester, NY.

"After 24 years in public life," she said recently, "I had finally picked a candidate whom I not only agreed with but whom I liked." She was asked whether she still liked him and answered, "I do. I have the deepest respect for that man." With a quick and characteristic change of mood, she remarked that she differs with Carter on such issues as abortion, total amnesty for Vietnam deserters, and equal employment and other rights for homosexuals, and continued: "When I'm with other people in the Oval Office, the President will say, "Midge disagrees with me on many issues, don't you, Midge?', and I say, 'YES, SIR!'" She laughed and asked a caller: "Do you get it?" The caller said he got it.

The "public liaison" in Costanza's title and the Office of Public Liaison that the phrase connotes and she heads are closer to meaning and being what they meant and were during the Ford administration than Midge and her staff—a male deputy, two male and five female "associate directors," a female administrative assistant and five female secretaries—realize and admit. The total of 14 people under Midge in the liaison office compares with 20 under her predecessor, William J. Baroody, Jr., at the close of the Ford administration. The 35 that Costanza and her deputy, Robert A. Nastanovich, cite for comparison is the total that Baroody inherited from his predecessor in 1974 and gradually reduced. He and his final 20 covered more ground than Costanza and her 14 do, but that's secondary. Costanza and her staffers are among the hardest workers at the work-happy Carter White House. Sixteen-hour days are usual for her, 14 hours for her assistants.

Making the primary point is a bit painful, considering the belief and dedication that go into the assertion of Costanza and her staff that they are arranging access to the White House, to the President and to federal agencies for obscure and underprivileged groups and constituencies that have never previously had that access. This no doubt is Costanza's purpose, her staff's purpose, and the President's purpose. It may be accomplished in the future to a greater extent than it has been since January 20. But the official lists of meetings, contacts, interventions and responses for which the liaison office was responsible between January 31 and April 1 indicate that Midge and her people so far have done less that was new and inventive than they sincerely believe and understand they've done. It's a fact that is both typical and reflective of a White House staff that wants and needs to believe that its practices and methods are more different and innovative than they actually have been up to now.

Of 11 listed meetings with the President, nine were yawnfully orthodox ("Randolph Hearst and other representatives of the Senate Youth Program," Easter Seal Society, Teacher of the Year award, etc). Only two, with a consumer group headed by Ralph Nader and with the Ad Hoc Coalition of Women to discuss ERA, high-level appointments of women, and "policy issues of particular concern to women" were beyond the presidential norm. Costanza said Nader told her that he'd met with Jimmy Carter after the election but had never before met at the White House with "a sitting President." She evidently regarded this as a major advance. Of 66 speeches, meetings, trips, TV appearances and other events involving Costanza, only three struck me as being out of the ordinary. She went to a White House gate to greet a group of Women Strike for Peace demonstrators and arranged for some of them to meet in the White House West Wing with a member of the National Security Council staff. On March 26, a Saturday, she met at the White House with male and female members of the National Gay Task Force. "That had to be the day," she said later in a tone

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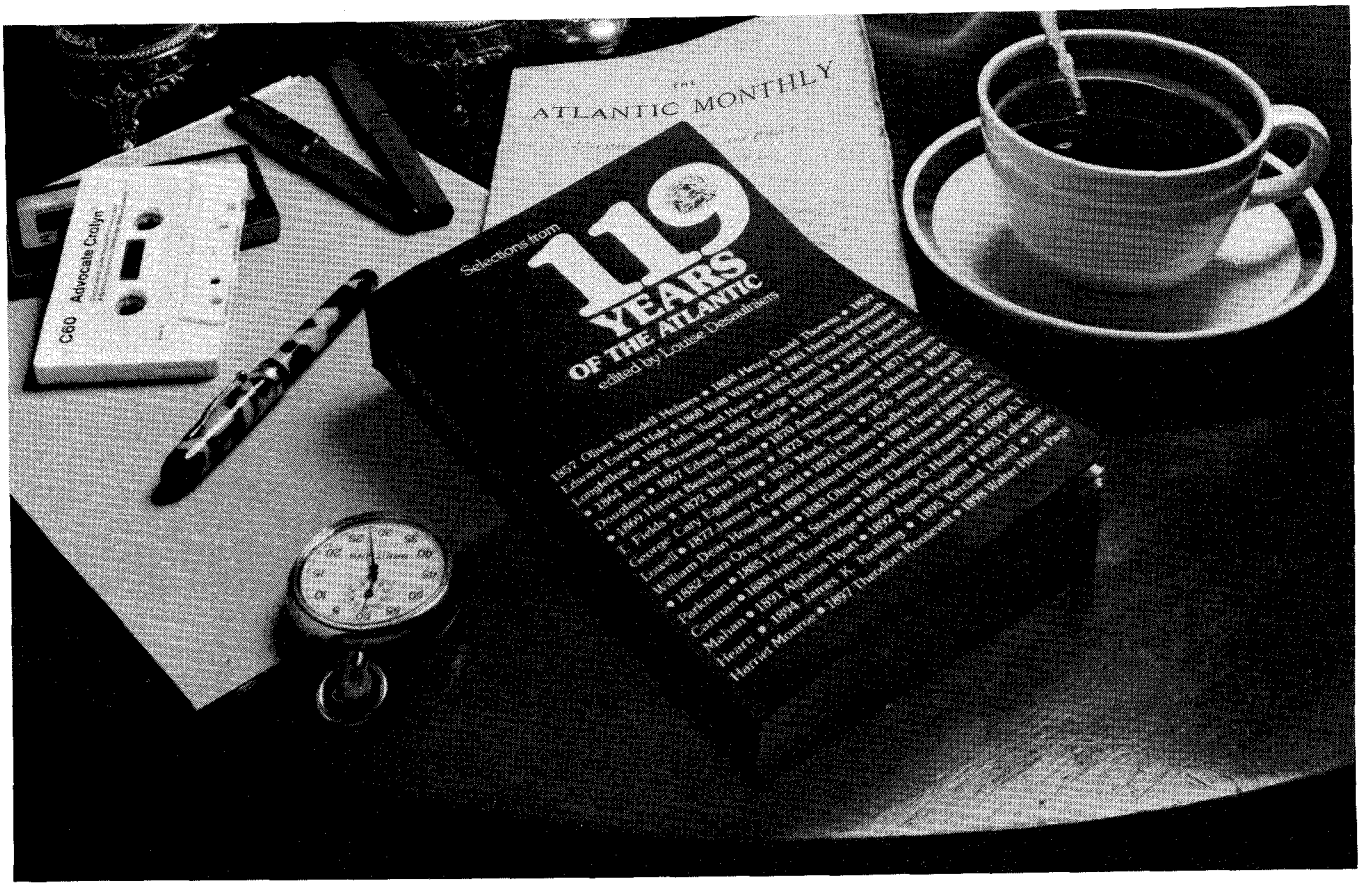

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of rueful humor, "when the President went to Camp David the first time." The implication was that this was an unintended coincidence.

Costanza and her people make much of the many meetings at the White House with groups of Indians, advocates of full amnesty for any and all Vietnam-period military offenders, and local "concerned citizens" concerned with matters ranging from threatened closure of an air force base to the energy problem. William Baroody looked over the Costanza lists and said he and his staff had dealt with almost every group and constituency on them excepting gays and Women Strike for Peace. Bradley Patterson, Baroody's Indian specialist, said he'd received at the White House representatives of every Indian tribe and group mentioned on the Costanza lists. Midge said the advocates of amnesty whom she invited to the White House were "anti-war activists who never before had the opportunity to come into the White House unless they forced their way in and were arrested." She had a point—the Nixon attitude toward these people was certainly different from the Carter attitude—but what she said was simply not true. At the height of the Vietnam war protests outside the White House, Leonard Garment and other Nixon assistants invited protesters into White House offices by the scores, many times, in efforts to defuse a dangerous situation and give the dissidents some sense that they were being heard at the peak of government. They were, in a way: summaries of their talks with Garment and the others went to Nixon and he read the memos.

Well, shucks, here I am out of space and with no room to say much about the endeavors of Greg Schneiders, the President's Director of Special Projects, and Barry Jagoda, his TV-radio arranger and counsellor. Schneiders has completed and soon will submit to the President a six-month schedule of possible "people events" such as more TV chats, radio call-ins, and citizen round-tables at the White House and around the country. Jagoda and his two assistants think they have devised some departures from customary TV practice that may please the President and further the impression that he's really out there with the folks.

John Osborne

To "stoppies" it's a personal rebuke.

End of an ERA?

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex," says the operative clause of the Equal Rights Amendment. It seems so tame, so unexceptionable, so modern, so reasonable, but the fact is that ERA is in deep trouble. The US House of Representatives approved ERA, 354-24, in 1971. The Senate passed it, 84-8, in March 1972. Within a year the amendment swept through 30 of the 38 state legislatures needed for ratification. By March 1975, with four years left to go before the 1979 deadline Congress set for enactment, four more states had ratified and only four more were needed. But since 1975 there has been only one ratification—in Indiana, this year. And several state legislatures have voted it down. The 1977 legislative year is over in practically all states, leaving only 1978 and less than three months in 1979 in which to secure the remaining three ratifications. There is talk among leading proponents of asking Congress to extend its deadline. Others think only Jimmy Carter may be able to save the amendment.

There are simple explanations and complicated ones for what is happening to ERA. The simplest is that, having sped through the most progressive three-fifths of the states, the amendment began hitting resistance in the most conservative fifth—the Deep South, border states and the Mormon West—and when it began slowing down, it was caught up to and walloped by anti-feminist firebrand Phyllis Schlafly, one of the most gifted practitioners of political diatribe in the country today. Most of Schlafly's major arguments against ERA are outrageous fabrications, but they are so artful and so brazenly repeated that Schlafly has put ERA proponents on the defensive in state after state. ERA will legalize homosexual marriages and permit gays to adopt children, Schlafly charges, when it is obvious that ERA simply will require the law to discriminate against lesbians and male homosexuals equally. Congressional sponsors of ERA made it clear six years ago that ERA would not supersede rights of privacy, but Schlafly is still convincing people that the amendment means unisex toilets in public buildings and co-ed college dormitories, prison cellblocks, military barracks and gymnasium dressing rooms. Schlafly also persists in scaring housewives with the prospect that they will lose legal rights to support during marriage, alimony after divorce and death benefits in case of widowhood. In fact, the legislative history of ERA firmly establishes the principle that, where laws bestow desirable benefits and protections, they would simply have to be extended to both sexes on an equal basis.

Not all of Schlafly's arguments are totally groundless. Sports teams in public schools might have to be co-educational, probably to the detriment of girls' basketball and the complication of tackle football. Men and women would be equally subject to the draft if it were reinstituted, and some males in a combat unit surely would sue if women were being exposed to less risk in military assignments than men. But Schlafly has not come so close to beating the Equal Rights Amendment merely by winning debating points. She has clearly tapped elemental currents of resentment, fear and anger running beneath the surface of American society.

The complicated explanation for what is happening

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to ERA is that the fight is becoming almost tribal. The two sides even have taken to wearing uniforms. When the Florida Senate voted down ERA on April 13, the galleries were packed with women dressed in traffic light colors—green for ERA proponents and red for Schlafly's "Stop ERA" movement. It used to be, according to women who have been in this fight for a while, that you could tell the two sides, not by their colors, but by the rule that young, braless women were invariably pro-ERA, while girdles and bouffant hairdos marked the stoppies. No such distinguishing characteristics apply any more. The proponents have become older and more respectable, and Schlafly's tribe is attracting more young women.

The real difference between ERA's proponents and the stoppies is inside their heads. Schlafly's anti-ERA movement is based on the notion that the traditional homebody role for women is rightful, ordained by God and part of the natural order of things, and that ERA somehow will undermine it. In fact, it seems long since undermined, without ERA, by the free enterprise system that Schlafly and other anti-ERA militants also espouse. Only 34 percent of two-adult families in the United States now observe the classic husband-breadwinner, wife-homemaker pattern that prevailed in the country until the 1950s. Though she is hardly one of them, Schlafly represents the stay-at-homes who look at women's liberation and the working lifestyle as a threat and a rebuke. The old rules decreed that women got married and had babies, and millions of women dutifully followed the pattern. Now the rules are suddenly being changed, and these women are being told they have wasted their lives. They won't sit for it. They are taking it out on ERA, and Schlafly is leading the way.

A lot of other traditional values in society have undergone changes, too, and Schlafly's movement is one part of a self-reinforcing coalition of the discontented being assembled by an operation called Conservative Caucus based in Falls Church, Virginia, and run by Howard Phillips, once acting director of the Office of Economic Opportunity. Phillips said the caucus spent $50,000 on mailings to help Schlafly defeat ERA in North Carolina and Florida. The caucus also is organizing around such issues as the Panama Canal treaty, strategic arms negotiations with the Soviets, gun control, school busing, capital punishment and gay rights legislation. "We're going after people on the basis of their hot buttons," said Phillips, who has local coordinators organizing in 360 of the country's 435 congressional districts. The caucus will not endorse congressional candidates itself, but Phillips anticipates that local conservatives will emerge from battles on political issues to challenge sitting congressmen.

Schlafly is a charismatic, crafty leader for the anti-feminist movement, but no comparable figure has emerged to campaign for the Equal Rights Amendment. Betty Ford and Rosalynn Carter have lent it respectability, but neither is a full-time advocate and each arouses resentment on the part of fence-sitting legislators who receive last-minute phone calls from the present or former First Lady on the eve of an ERA vote. Pro-ERA forces have the advantage of being broadly based, but the disadvantage of being diffused and unfocused. The National Organization for Women, the National Women's Political Caucus, the government-financed National Commission on the Observance of International Women's Year, Common Cause, the American Association of University Women and the League of Women Voters all are making ERA a major object of activity and expenditure, but they have been unwilling to take direction from a single unified command at the national level. One single-purpose group, ERAmerica, was formed to spearhead the amendment fight, but it would not amass its hoped-for budget, and serves instead as a "clearing house."

On the national level, too, some ERA proponents acknowledge, the propaganda advantage has been utterly seized by Schlafly. "Most liberals say they're for ERA," one union organizer said, "but they don't know why, except that everybody else they know is vaguely for it. Once they hear Schlafly's arguments, it takes them weeks to recover. We're beginning to find a lot of so-called liberals, too, who say, 'What the hell—the Supreme Court will write women into the 14th Amendment,' and don't think ERA is really necessary." The leading constitutional scholar of the pro-ERA forces, Yale law professor Thomas Emerson, says that the Supreme Court has been given ample opportunity to place sex discrimination laws in the same suspect category as legal differentiation based on race, but has not done so, and probably will not.

According to national organizers, state ERA campaigns have been characterized by "too many groups wanting to help . . . too many naive people . . . well-meaning amateurism . . . too much tea-party politics." Florida ERA activists worked successfully in 1976 to elect a Senate majority pledged to support ERA, but then they lost it under pressure from the chamber's conservative leadership. Tallahassee reporters said ERA sponsors weren't even aware of what was happening until it was too late. In Nevada, ERA proponents waited so long to get the amendment introduced that an anti-ERA senator became its prime sponsor. Despite rumors to the contrary, it does not appear that Schlafly's Stop ERA forces outspent proponents in the states this year. But it did out-organize them.

Unless ERA proponents opt for the dodge of a congressional extension beyond 1979—which might be bitterly fought—success or failure of the proposed 27th Amendment is likely to depend upon who wins a few state legislative races in Virginia this year and North Carolina and Florida in 1978. Those are three states in which ERA was narrowly defeated this year, and where

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the change of a few votes could produce a victory when it comes up for another vote. It is likely that White House aide Mark Siegel, former executive director of the Democratic National Committee, will serve as chief strategist in the effort, but he is constrained by the need to keep the White House out of Democratic primary races. It is hard to imagine that President Carter will fly off to North Carolina or Illinois—another holdout state—in 1978 to campaign in state legislative races. But women's rights activists recall Carter's pledge to them that he intended to be the President for women's rights that Lyndon B. Johnson was for civil rights. They are depending on him to keep the pledge.

Morton Kondracke

Are they righting a wrong or exploiting a technicality?

Indians on the Lawpath

by Stuart Taylor

After a rash of headline-grabbing but soon forgotten appeals to the nation's conscience, like the occupation of Alcatraz Island in 1969-1970 and the Wounded Knee uprising in 1973, the leaders of America's impoverished and neglected Indian tribes have turned to a less spectacular but more productive way of improving their meagre lot: smart lawyers. Landowners and local governments throughout the United States find themselves outflanked by Indian lawyers demanding that ancient wrongs be righted and brandishing a potent arsenal of federal court precedents. Indian claims for land and water rights, which seemed grandiose and quixotic when first asserted a few years ago, now after a series of preliminary Indian court victories pose real threats to the owners of huge tracts of land. An Indian land claim hanging over the state of Maine is of such immense proportions that perhaps only the balm of millions of federal dollars—maybe hundreds of millions—can prevent severe economic dislocation. President Carter last month appointed William B. Gunter, a longtime friend who recently retired from the Georgia Supreme Court, as his special representative in an attempt to avoid litigation by an out-of-court settement or congressional legislation to resolve the dispute.

The obscure Penobscot and Passamaquoddy tribes, total population, 3500, got yawns and titters as a reaction five years ago when they first claimed a right to 10 million acres of land and billions of dollars in trespass damages, and demanded that the Interior Department file suit as their trustee. The tribes said that the land—an area comprising more than half of the state of Maine, and larger than Massachusetts, Connecticut and Rhode Island put together—had been taken from their ancestors during the late 18th and early 19th centuries in violation of a 1790 act of Congress. Most of the land is uninhabited forest owned by big paper companies and other large landowners including the state government; about 350,000 people live in the inhabited parts of the claim area. At first the Interior and Justice Departments refused to press the Indians' claim for them. But after the Indians won a preliminary legal skirmish over the applicability of the 1790 act, the federal government began working actively—if somewhat reluctantly—on their behalf. The Justice Department now says the United States will file suit against the state of Maine in support of the Indian claim, unless it's settled by June 1. The yawns and titters have given way to urgent pleas by Maine officials for Congress to bail them out. "A dark cloud of doubt and instability is hovering over the state of Maine" because of the uncertainty cast on land titles by the Indian claims, Maine Representative William S. Cohen lamented on the floor of the House March 1. Cohen and the rest of the Maine delegation have introduced a bill that would wipe out the Indian land claims by retroactively validating almost 200 years of land transactions that the tribes claim were illegal.

Both the litigation and the Maine delegation's bill are being held in abeyance while Justice Gunter holds White House meetings with state and federal officials and the Indians' legal team. It will be difficult to bring the tribes and the state to an amicable settlement.

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Gunter said last week that the parties are "just about as far apart as you can get" and that "feelings between the Indians and the state officials are running very high." The lawyers for both sides purport to believe that their legal positions are impregnable. Maine attorney general Joseph E. Brennan has adamantly refused to consider any negotiated settlement that would take land or tax dollars from the state or its citizens. The tribes are to negotiate about money, but insist that any settlement must include a significant land base for them. Gunter says he still hopes to bring the parties together in time, but he plans to make a recommendation to the President by July 1, including possible legislation, even if there is no agreement. Gunter also is negotiating with the parties in a similar suit by the Wampanoag Tribe asserting ownership of the entire town of Mashpee, Massachusetts—about 17,000 acres—and has agreed to act as the President's special representative in that case also if President Carter wants him to. The cloud cast on land titles in Mashpee has brought the town's booming real estate industry, and most of the rest of its economy, to a grinding halt.

The most important date in the Maine controversy is July 18 of this year. For complex legal reasons, that is when the statute of limitation expires on these claims going as far back as 1790. Unless there is a settlement by July 18, or Congress extends the limitation, the litigation will go forward with the US Government participating on the Indian side, as it is required to do, as their legal trustee. This might well bring chaos to the Maine economy. Municipalities within the claim area have been unable to sell bonds since early last year because of the new uncertainty over title to the lands that constitute their tax base. If Justice actually files suit, Representative Cohen told the House, the state might be brought to its knees. "Banks will no longer finance home loans and mortgages; investment and commerical development will be terminated," federal economic programs will dry up and residents might refuse to pay taxes and mortgages, he predicted. State officials also warn darkly that once citizens begin to believe their homes are really endangered, anti-Indian violence might break out. The litigation, including appeals to the Supreme Court, probably would take five to 10 years, during which the possibility of an Indian victory would hang over the state's timber-based economy like a Sword of Damocles.

As befits a case which the Justice Department has described in court papers as "potentially the most complex litigation ever brought in the federal courts with social and economic impacts without precedent and incredible potential litigation costs," both sides have brought in big-gun lawyers with demonstrated clout in Washington as the scene of the battle shifts from the federal district court in Portland to the White House and the halls of Congress. The tribes have enlisted the uncompensated assistance of Archibald Cox, the Harvard Law School professor who enjoys the most prestigious niche in the Watergate Wing of the legal profession's Hall of Righteousness. Not to be outdone, Governor Longley of Maine has hired Edward Bennett Williams, Washington's best known trial lawyer and owner of the Washington Redskins. Maine officials say they hired Williams because he knows his way around Washington. The Indians hope that Cox's reputation as a "symbol of the integrity of the judicial system" will help them to stave off legislation that would deny them their day in court. Cox has stated that such an eleventh-hour legislative sabotage of the budding lawsuit would besmirch the national honor. Another old Watergate hand, Nixon lawyer James D. St. Clair, has been hired by the town of Mashpee, Massachsetts to find a way around the Wampanoag Tribe's claim.

The real architect of the Maine tribes' successes so far has been not Cox but a 33-year-old non-Indian lawyer named Tom Tureen. Tureen was first attracted to a career in Indian law when he was a Princeton undergraduate working for the summer with Sioux children in South Dakota. In 1967, between years at George Washington Law School, he worked as an assistant to Donald Gellers, an Eastport, Maine lawyer who was researching a rather modest claim the Passamaquoddy tribe had been trying to get the state to pay attention to for 10 years. The claim's basis was a 1794 treaty between the tribe and the state of Massachusetts, of which what is now Maine was a part until 1820. The treaty purported to guarantee the tribe's ownership of its reservation land in the northeastern corner of Maine, some 23,000 acres in all, in exchange for giving up all claim to the vast tracts that had once been the Passamaquoddys' exclusive domain.

This old treaty had been long forgotten until 1957, when an old Passamaquoddy woman pulled it out of a box she kept under her bed and showed it to tribal leader John Stevens. Stevens knew that several thousand of the 23,000 acres had since been taken by the white man, leaving the tribe less than 17,000 acres in two locations. He drove with other tribal leaders to the state capital in Augusta to seek some help from the state attorney general, who was too busy to see them.

Not much else happened until 1964, when a commercial cabin owner won some land on the edge of the reservation from another non-Indian in a poker game, and tried to build cabins on the land. The Passamaquoddys thought the land was reserved to them by the 1794 treaty. A group of Indians staged a sit-in and got arrested. Donald Gellers, the lawyer they hired to defend them against criminal trespass charges, agreed to research their rights under the 1794 treaty. He was working on a claim for the alienated 6000 acres when he was arrested for possession of marijuana. Gellers' legal difficulties, and his eventual departure for more hospitable climes, left the tribe in need of a new lawyer.

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Tureen had spent the summer of 1967 helping Gellers with the Indian litigation. In 1970 he took on the whole case, originally as the one-man Indian Legal Services Unit of the federal Office of Economic Opportunity's legal assistance project in Maine. Tureen's research soon led him to a conclusion that the Indians and his predecessor never had dreamed of: the 1794 treaty itself was invalid and the Passamaquoddy and Penobscot Tribes still owned the millions of acres they had occupied in colonial times. After quitting OEO, Tureen joined the Native American Rights Fund, a foundation-funded group of Indian lawyers based in Boulder, Colorado. He persuaded Hogan & Hartson, a large Washington, DC, law firm, to help out on a nonpaying basis. Tureen and his new legal team spent more than a year developing the legal and historical basis for the claim and considering ways of pressing it. He presented his conclusions to the Passamaquoddy Tribe in late 1971, and got the go-ahead to see if he could batter down the wall of official indifference which had greeted previous efforts to assert the tribe's rights. He has been battering ever since with singular success.

Tureen's greatest triumph so far has been forcing the United States Government to take up the Indians' cause. For both legal and practical reasons, it would have been next to impossible for the tribes to pursue the suit on their own. The tribes were caught in a bind: it was not even clear they had the right to sue on their own, but they couldn't interest the government in suing on their behalf. Early in 1972 the tribes petitioned the Bureau of Indian Affairs to file suit for them. BIA recommended that a suit be filed, but the Interior Department squelched the recommendation. Meanwhile, the statute of limitations on an important part of the potential suit was due to expire in July 1972. So Tureen went to court in June and got from Federal District Judge Edward Gignoux a preliminary order requiring the government to file a "protective suit" before the July deadline. Tureen says this is the first time a federal court ever ordered the government to file a lawsuit. Two and a half years later, in February 1975, Judge Gignoux ruled that the federal government is legal trustee for all Indian tribes. The Federal Circuit Court of Appeals, in affirming Gignoux's decision 10 months later, said the trust relationship at a minimum required the government to investigate and take appropriate action on any Indian claim that tribal rights had been violated. Neither the federal government nor the state of Maine, which had intervened against Tureen and the tribes,appealed to the Supreme Court, so this is now the law.

The legal theory of Tureen's case is disarmingly simple. The Indian Nonintercourse Act, which was enacted by the first Congress in 1790 and remains on the statute books in substantially identical form today, states that no purchases, grants or seizures of lands from Indian tribes "shall be of any validity" unless "made by treaty or convention entered into pursuant to the Constitution"—that is, unless approved by Congress. The Maine tribes claim their ancestors held "aboriginal title" to some 10 million acres in Maine in 1790, by virtue of possession since time immemorial; that almost all of the land was subsequently taken by Maine and Massachusetts in a series of transactions, including the 1794 treaty, that never were submitted to Congress for approval; and therefore that these transactions were invalid and the land still belongs to the tribes. The whites who have settled there over the past 185 years, and the large paper companies and family trusts that hold huge tracts for lumbering, have been trespassers. They are therefore liable not only to be ejected from the land but also to pay damages for all the years of illegal occupation.

The legal and factual issues presented by this claim have led the parties deep into a mire of obscure historical lore about the wanderings of long-dead Indians and speculation about the intentions of long-dead congressmen. Exactly which watersheds did the "riverine" Maine tribes exercise "aboriginal title" over by traversing them on their hunting, fishing, and berry-picking expeditions two centuries ago? Were the tribes dispossessed of their lands during the French and Indian War when Royal Governor Thomas Pownall declared war against them and, in 1759, planted a leaden plate at the head of the tide of the Penobscot River proclaiming "possession" on behalf of Great Britain? Did Congress in 1790 intend the Nonintercourse Act to apply to the 13 original states, or just to the western territories?

Such arcane inquiries may seem to be a rather peculiar way for a legal system to go about resolving the relative rights of 20th century Indians and whites. But behind the historical fine print that forms the technical legal basis of the tribes' claims is the national sense of guilt about the brutal conduct of the white settlers who seized, stole, and swindled the continent from its Indian natives, relegated them to a few poverty-infested enclaves and more or less forgot about them. This feeling of guilt breathes vigor into the ancient but long-unobserved legal doctrine that the federal government must act as a trustee to protect the best interests of Indian tribes. The Supreme Court has held repeatedly that the purpose of the Indian Nonintercourse Act was to obligate the federal government to protect a "simple, uninformed people" against the greed and trickery of the land-hungry state governments and pioneers. The theory was enunciated most forcefully by Chief Justice John Marshall, who described the status of Indian tribes as that of "domestic dependent nations" whose title to their aboriginal lands was good against all unless and until the sovereign Congress decided to extinguish it, and whose "relation to the United States resembles that of a ward to his guardian." Meanwhile, the reality was that of President Andrew Jackson, who championed the

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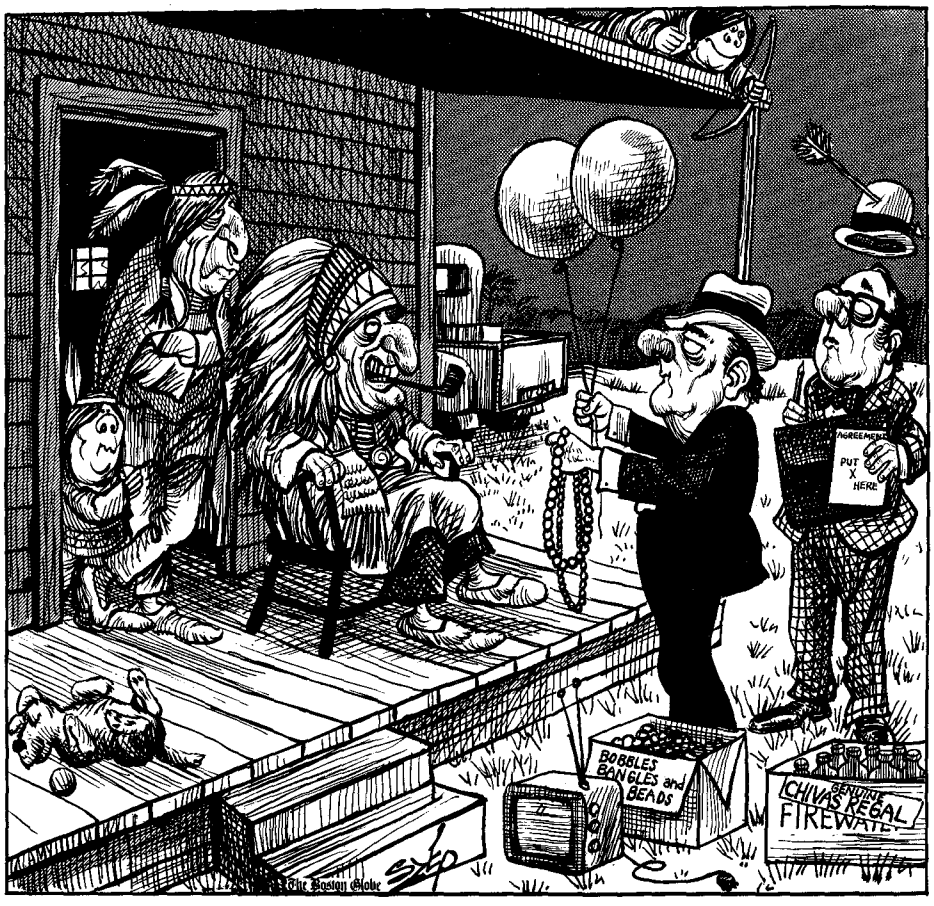
conquest and subjection of the Indian tribes in the West, left the already subjected Eastern tribes like the Passamaquoddys and Penobscots to the tender mercies of the state governments, and bid John Marshall to enforce his pro-Indian decisions if he could.

Now, in an era when the executive branch has become accustomed to doing what the courts tell it to do, the Indians are calling in their debts. After years of hearing from the white establishment that minorities should eschew disruption and politely seek redress for their complaints by working within the system, they are working within the system with a vengeance. And their advocates do not apologize for dredging up memories of ancient wrongs to threaten the land ownership of white citizens who were not responsible for these wrongs. "These folks never should have been poor," Tom Tureen says. "The current generation is very directly affected by what happened 180 years ago. The whole framework of the Nonintercourse Act was set up so that they would be protected. There were specific promises to these tribes from George Washington. They never should have had to grovel at the feet of the state."



"No, but we'll take $25 billion and half the State of Maine."

Maine attorney general Brennan sees things differently. "The people up here think the thing is outrageous and bizarre. The more I get involved in this case the more I get irate at the United States government. They've pretty much agreed that if there are any wrongdoers they died 150 years ago. I can't understand how the Interior Department could recommend ejectment of 350,000 innocent people from their land." Brennan does not doubt that "this country owes something to its native Americans," but he vehemently denies that the government or property owners of Maine owe any such "moral debt." If the country is going to pay its "moral debt" to the Indians, Brennan reasons, the blacks and other minorities will be able to assert an equally compelling entitlement to redress. "We cannot create a system of perfect historical moral accounting that requires monetary payment for asserted ancient wrong." So the resolution of the Maine case should be left to the strict application of legal doctrine, he says, without muddying the waters by discussions of ancient wrongs.

But experience teaches that an ounce of legal leverage is worth more to the underprivileged in this country than a ton of moral entitlement—particularly when those demanding redress are few enough that the federal government can do them justice without spending more than, say, the cost of a B-1 bomber. It may be hard for many to see why, as a matter of simple justice, the 3500 Indians in northern Maine have any more coming to them than the millions of blacks in the nation's ghettos. But any argument that a little social justice for a few of our history's victims should be denied until we are ready to open the federal treasury to all of them has a rather unsavory Catch-22 logic to it. And the fact remains that the tribes seem to have a pretty strong legal case, quite independent of whatever moral force their claim may or may not have.

The most unsettling thing about the Maine tribes' claim is that the landowners against whom they say the law affords them a remedy are innocent of any wrongdoing. There are no living wrongdoers in the case—unless the state government and its taxpayers and the contemporary stockholders of the large paper companies which bought huge tracts for a song 100 years ago are "guilty" as corporate bodies. The Indians, the Justice Department, and the state officials seem to agree that the burden of any settlement ought to be assumed primarily by the federal treasury, although Tureen says the state and the large landowners should expect to lose some land. After all, it is the federal government that has neglected its trust responsibility to the Maine tribes for the past 187 years, and that is best able to redress a larger wrong committed by the nation as a whole. And of course the federal govern-

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ment has more money than anybody else in sight.

But the tribes have no statutory basis or favorable precedent for suing the federal government. Their only means of seeking to turn their legal rights into the land and money they want is to use what rights the law does give them to take as hostages the landowners in the claim area, and to hope that before the litigation reaches a showdown and the relations between the Indians and their neighbors get ugly, Congress will be stirred from its slumber, drown the claims in federal money and, along the way, buy a little social justice.

Tureen asserts that Judge Gignoux's decision settled the only really difficult legal issue in this case, and the graceful thing for the state and the big landowners to do now would be to recognize their legal predicament and sit down to negotiate a settlement. Maine attorney general Brennan says there are other legal issues that make the Indians' claim so weak that the government needn't intervene on their behalf even though it is their trustee—a battle he apparently has lost—and that certainly make it unnecessary for the state and its non-Indian landowners to settle with the tribes.

Brennan argues, for example, that as of 1790, the date of the Nonintercourse Act, the tribes were ragged bands of only a few hundred Indians who already had lost most of their aboriginal territory by conquest, white settlement, and a series of agreements; that all pre-1820 transactions with the tribes were implicitly ratified by Congress when it admitted Maine to the Union in 1820 and approved the terms of the Compact of Separation between Maine and Massachusetts; that the federal government has implicitly recognized non-Indian ownership of land in the claim area by transactions such as purchasing land for post offices and the like; and that in any event the Nonintercourse Act was never intended to apply within the 13 original states. Brennan also has raised arguments based on the common law doctrines of laches, which bars assertion of legal rights that have been neglected so long that to raise them would be unfair; and adverse possession, which bars any challenge to the title of someone who has occupied land for a long enough time under a claim of ownership. These doctrines are the legal embodiment of the common-sense perception expressed by many Maine residents that you can't turn the world upside down and penalize thousands of innocent landowners to undo long-forgotten legal wrongs. But a federal court in Rhode Island last year, in a case involving a Nonintercourse Act claim by the Narragansett Tribe to 3200 acres in Charlestown, held that such common law defenses do no apply against an Indian land claim based on federal statutory law.

In January of this year the Interior Department recommended to the Justice Department that ejectment actions be filed on behalf of the tribes against all occupants of some 10 million acres of Maine, including the heavily populated coastal regions. The Justice Department conducted an independent review of the claims. In court papers filed February 28, it said that if an out-of-court settlement is not reached it will sue for a smaller area, comprising about five to seven million acres, proceeding first against the state and a few large landowners. Justice said the tribes have agreed to give up most of their claims against homeowners and small property owners, if a monetary claim against an "appropriate sovereign" could be substituted for those claims. So far neither the federal government nor the state of Maine has agreed to substitute itself.

Congress has at least three options in attempting to resolve the Maine claims, aside from doing nothing and letting the litigation proceed. First it could attempt simply to scuttle the claims by passing a law retroactively validating all prior conveyances of land from the tribes. That is what the Maine congressional delegation's bill appears to be designed to do. The Supreme Court has held that Congress may extinguish aboriginal title whenever it pleases, so it is apparently within the power of Congress to scuttle the tribes' land claims. But Tureen claims that the due process clause of the Fifth Amendment of the US Consitution makes it impossible for Congress to wipe out the tribes' claims for trespass damages. The legal question appears to be an open one. If Tureen is right the Indians might get the land anyway, by getting a huge trespass judgement then levying execution on the losing defendants' real estate.

If Congress chooses to be just a bit more responsive to Professor Cox's conception of the national honor, it could enact a law wiping out the land claims, but authorizing some court or commission to calculate the monetary value of the tribes' claim and to pay the tribes compensation out of the federal treasury. Tureen doesn't like that solution either. He says it probably would result in long delays and little more than token compensation to the tribes.

The settlement model the tribes apparently prefer is that of the Alaska Native Claims Settlement Act of

Hobbes's Choice

The multitude of poor, and yet strong people still increasing, they are to be transplanted into countries not sufficiently inhabited: where nevertheless, they are not to exterminate those they find there; but constrain them to inhabit closer together, and not to range a great deal of ground, to snatch what they find; but to court each little plot with art and labor, to give them their sustenance in due season. And when all the world is overcharged with inhabitants, then the last remedy of all is war; which provideth for every man, by victory, or death.

Thomas Hobbes

Thomas Hobbes is the author of *Leviathan* (1651). This passage is from Chapter 30.

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1971, in which Congress awarded 40 million acres of federal land and almost a billion dollars to 70,000 Eskimos, Aleuts, and Indians to compensate for the wrongful taking of their lands years before. One problems with doing something like this in the Maine case is that the federal government has no substantial land holdings in Maine. But the government could get the land from large landowners, either voluntarily or by eminent domain, compensate them for it and give it to the tribes.

Arriving at a fair monetary settlement would be a task of mind-boggling complexity. Any settlement in Maine probably would be a model for settlement of other Nonintercourse Act claims brewing in Oneida, New York (300,000 acres claimed), Kent and Ledyard, Connecticut (2300 acres), Martha's Vineyard (3000 acres) and Rock Hill, South Carolina (144,000 acres), as well as the Mashpee and Narragansett cases. No very meaningful figure for the value of the Maine tribes' trespass claims has been suggested. The uninhabited portions of the 10 million acres of land they claim are valued in the range of $100 an acre, but the value of the inhabited portions is incalculable. If the suit ever went to trial, the landowners doubtless would claim that if the Indians recover the land they should pay restitution for all improvements to the property (buildings, etc.), as the defendants have asserted in the Mashpee case. Tureen has on occasion estimated the total value of the tribes' claims, including land as well as trespass damages, at $25 billion—a figure that is no more wildly inflated than the typical initial damage estimate of the plaintiff in any modern lawsuit. That would give each Indian about six million dollars. The Justice Department's 1972 "protective complaint" asked for $300 million in damages from the state of Maine alone; a department lawyer says that figure was "picked right out of the air."

The Alaska settlement might suggest a starting point. It amounted to roughly $15,000 and 600 acres per Indian. Multiplied by 3500 Passamaquoddys and Penobscots, that adds up something over $50 million and two million acres. Whether the Maine tribes would give up their gargantuan claim for a settlement of that size remains to be seen. Tureen points out that the Alaska natives, unlike his clients, had no claim for trespass damages; moreover, the tribal memberships may total as much as 5000 after the scent of money brings long-departed members who can prove their ancestry back to the fold. Any land and money that come out of this lawsuit or settlement of it will go to the tribes, and not to individual Indians. The tribal councils will be able to decide what to do with it.

To the Passamaquoddys' white neighbors in Washington county, many of whom are as poor as the Indians or poorer, a settlement of such magnitude will seem like an unjustified windfall. But our system of legal rights bestows windfalls on a lot of people—the heirs of rich men and women, the divorced wives of rich men, the owners of land on which oil is discovered. There may be a certain justice, at least, if for once the legal system confers a windfall on people whom our society for hundreds of years has relegated to a position of penury and humiliating dependence. The Maine tribes are not as poor as they were a decade or two ago. They have learned the art of federal grantsmanship, and an influx of money and jobs from federal housing and other programs has cut their unemployment rate to something on the order of 30 percent. The state also contributes substantial social service aid. People on their reservations don't starve any more. But what the tribes say they want is something on the order of the independence and dignity that would still be theirs if their lands had not been taken away from them in the first place.

The American Press today doesn't "see life steady and see it whole."

The Harlot's Prerogative

by Henry Fairlie

The press (in which I include television news, except when I distinguish between them) has grown too interested in itself, and I am well aware that criticism of it by a journalist is as much a form of self-absorption as any other. The press now regards itself as a celebrity, even as many individual journalists see themselves as celebrities. In the current issue of *Harper's*, Lewis H. Lapham writes about what James Reston wrote about

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what the press wrote about the Hanafis, and here am I writing about what Lewis Lapham wrote about what James Reston wrote . . . .

Great fleas have little fleas
Upon their backs to bite 'em;
And little fleas have lesser fleas
And so ad infinitum.

It is as well to admit, as one takes up the posture of a critic, that one is somewhere, wherever others may choose to place one, in the hierarchy of fleadom.

But it is my own observation—shared by others—that the American public is getting tired, and may well get angry, at the presumption of the American press at this moment: at the power and the privileges, the rights and the immunities, to which it today lays claim. Some years ago, when he was Prime Minister of Great Britain, Stanley Baldwin was being viciously attacked by the press barons, Lord Rothermere and Lord Beaverbrook, and at last he counterattacked with one scorching remark, which is said to have been supplied to him by his cousin, Rudyard Kipling. The press lords, he said, were claiming "power without responsibility, the prerogative of the harlot through the ages." The American press is today claiming the harlot's prerogative.

A journalist must be dismayed and scared by this presumption, and by the methods which it both tolerates and encourages, because unless it is corrected it can lead only to a degradation of journalism, from which recovery will be difficult, if not impossible. Journalism must live perilously near to the gutter, anyhow; it is all the more necessary that it should try to avoid behaving like a guttersnipe.

The journalist must be dismayed and scared, also, because this presumption can provoke a reaction only of contempt and distemper (to say nothing of fear) in the ordinary people of the country: a contempt that may well gather the force of disgust; a disgust precisely at the exercise of the harlot's prerogative. If the American press does not subdue its own presumption, the few prerogatives that it can (and must) genuinely claim will be endangered; and in the day of its own trial, which is as surely coming as doomsday, the defenders that it needs will be found to have turned their backs, and left the field.

I may sometimes talk of the "American press" or of "American journalism" when it seems that I am talking only of the *Washington Post* and the *New York Times*. These are the two American newspapers that I read regularly; but there is another reason for taking them as symbolic (though not representative) of American journalism. With the exception of the *Wall Street Journal*, which in this context does not count as a newspaper, no newspaper has a national circulation, but there is evidence that newspapers of national reputation, led by the *Post* and the *Times*, are influencing other newspapers in the country more than before. The style of journalism which the *Post* has encouraged in recent years has clearly had an influence even on the *Times*!

Moreover, these two newspapers, in collaboration with a few others, are now syndicating news, and not only features, and this syndication has begun to create some of the characteristics of a national press, far more powerfully than the news agencies. There still may be no national circulation of newspapers—every attempt at distributing an existing one or creating a new one has failed—but there is the beginning of the national circulation of news by newspapers with national reputations. More than in the past, one can talk of an American journalism.

When we were discussing these questions the other day, David Halberstam said to me, "The odd thing is that many of the newspapers are much better than they used to be, but their coverage of politics is much worse"; and it is to the heart of some such paradox that we have to try to reach. It is especially true of the *Washington Post*. It is a better newspaper than it used to be. My acquaintance with Washington, and therefore with the *Post*, has roughly coincided with the Kay Graham-Ben Bradlee leadership of the newspaper, and one must ungrudgingly admire their initial achievement in demonstrating (which was their ambition) that another newspaper could be given a national reputation like that of the *New York Times*. But that said, what can one say next? I am not sure that even Kay Graham and Ben Bradlee know where to go from here.

I know that I am summarizing the reactions of many others when I say that, in spite of all its qualities, one puts down the *Washington Post* each day with a profound sense of dissatisfaction; and even of irritation that so much energy and even intelligence, so much cuteness, should have been expended to so little obvious purpose. It is not merely that individual stories are often inadequate to their subject; that must be true from day to day of any newspaper. The dissatisfaction goes deeper. Something that is profoundly important to a great newspaper is missing. When one puts it down, one feels not that it lacks credibility so much as that it lacks authority.

It is to this question of the authority with which a newspaper should speak that I wish to address myself in the first of these articles. Only then can one see that the individual failures to which attention usually is given are part of a much greater fault, in the geological sense. If it is worth writing another article about the press at all, and if the press is to correct itself in time, we must attend to philosophical questions. There has been enough nitpicking at the press—just as the press might realize that it has itself done enought nitpicking at the other institutions of the country—and the need is to drive down to the basic questions about what a newspaper should be; what is its function and its justification.

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For the very activity of the press requires justification. We who are engaged in that activity are not elected; we take an article of necessity—the need of people for information—and impose on that article our own selection, our own opinions, and our own taste. It is because we are not elected that we are always open to the accusation that our activity is presumptuous, that we are indeed exercising the harlot's prerogative; and this is also why we must consistently question our own function.

C. P. Scott, one of the greatest editors in the past century on either side of the Atlantic, who single-handed made the *Manchester Guardian* one of the greatest newspapers in history, once said that the function of a good newspaper, and therefore of a good journalist, is "to see life steady and see it whole." It certainly is the function of an editor; this is the impress that he must make, the stamp that day by day he must leave on his journal. In my own experience, of the two editors of *The Times* of London under whom I served, W. F. Casey and Sir William Haley, the first "saw life steady and saw it whole," and therefore was a good editor, while the second (although more of a celebrity) did not, and under him the decline of the newspaper began. In terms of the American press at the moment, there is no need for me to be invidious: I see no newspaper, and therefore suspect that there is no editor, that meets Scott's prescription. Perhaps more than anything else, this is the cause of the lack of authority that one feels whenever one puts a newspaper down after reading it.

Above all else, what a great newspaper requires is a vision of life that is steady and whole: a consistency of values and attitude, and even of ideology (although the word brings its problems) which informs every page. The number and complexity and urgency of the decisions that must be taken on a newspaper each day are such that without such a consistency of vision, the reader will feel that he is merely being jerked from story to story each day, from opinion to opinion; and although he may be titillated, his dissatisfaction will be deep.

When people complain today—as they do complain—that newspapers do not represent life as they see and experience it themselves from day to day, they are not harping on the old theme that the press does not report the "good news." Their complaint is deeper and more definite, and it is precisely that the newspapers do not "see life steady and see it whole." This is the primary cause of the lack of authority with which the press now speaks, even while it presumes to a power beyond its capacity. Like all celebrities, it diverts and is applauded, but is not taken very seriously.

I was fortunate to serve part of my apprenticeship as a journalist on *The Times* of London before two successive editors and one proprietor, Lord Thomson, chose to undermine everything that it had for so long been, and had so well represented. Although I was employed to be an editorial writer, I was forced (like others) to spend six months in a more lowly position. The choice usually was between the correspondence department—making the preliminary choice of the letters that would be published, the final decision to be taken by the editor—and the obituary department. In those days the obituary department had perhaps the most exacting standards of accuracy on the whole newspaper, since the obituary notices in *The Times* were in most cases the basis of the entries that would appear later as works of permanent scholarship in the *Dictionary of National Biography*.

The purpose of these six months was partly to test one's quality, but primarily to enable one to absorb the atmosphere, the flavor, the values, the standards of the newspaper. We were left in no doubt that, whatever the particular talents for which we had been hired, we were first and last members of an institution with standards of its own that we were bound to maintain. When W. F. Casey once fired a buffoon of a young man, the idiot's famous father came to the office to remonstrate, and Casey gave the father what is surely the most gracious explanation of an expulsion that can be imagined. "You see, Sir Edward," said Casey, "we are a stable of carthorses here, and your son is a racehorse." The father went away with his son still unemployed, but his own pride reassured.

But the point of the story is that Casey was speaking of an institution, on which he had served all his life since he had recognized as a young man at the Abbey Theatre in Dublin that he was not the greatest dramatist since Congreve, and which he understood. A newspaper without a sense of itself as an institution, possessed of consistent values and attitudes that it conscientiously upholds, may serve some of the functions of a newspaper, and even serve those tolerably well; but it will not be a great newspaper, and it will not speak with any real authority.

If a newspaper is to be great and serve its true function, we have to be able to pick it up in the confident knowledge that it will reflect day by day not only the passing parade of events, magnified out of all proportion until each seems like a huge float, today's following yesterday's, always with Sally Quinn enthroned at the top, the Lady Godiva astride her typewriter, but also the slow and patient movement of society, as perceived by editors and reporters whose own vision of what Winston Churchill called "the long caravan of mankind" lies deep in them, born of their own experience, of their reading, of a sense of history, and of their own nose for the merely meretricious.

The *New York Times* used to be like that, in its own cumbersome way; but it is no longer. Its Op-Ed page, since it was created in the late 1960s, is rightly taken as the symbol of its decline from greatness. The criticism of it is not that it then was trendy to the point of facetiousness—an intellectual facetiousness about great issues—and still is usually unutterably silly; or

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that it took and takes positions with which the editor of *Commentary* does not agree, although I happened to agree with most of *Commentary*'s famous criticism of the page; but that it is clearly conducted, and has as clearly been conducted from the beginning, by no one whose vision of life is either steady or whole. It does not matter that the page is supposed to hold different views, some from within and some from outside the stable, for even the choice of those different views has to be made by someone who "sees life steady and sees it whole."

If one looks closer at the Op-Ed page of the *Times*, one still finds not only a totally disconnected choice of the pieces that it publishes from outsiders, but also a fundamental frivolity in the regular "heavyweights." It may seem provocative to say that James Reston is frivolous, but his sanctimonious prostrations (or elevations, one or the other) are concealments of a lack of vision and of conviction, not the evidence of them. Tom Wicker is turgid, but that cannot rescue most of his columns from the same accusation of frivolity (not a word that otherwise springs to one's mind about him). His "protest" or "dissenting" journalism—whatever it is supposed to be—is a little more than a kind of catch-as-catch-can at any and every issue about which he can write at the single level of complacent outrage which he has so successfully cultivated. As for William Safire, one believed that it was a joke when the *Times* announced his recruitment from Nixon's White House to provide a conservative voice on the Op-Ed page. To use the word "frivolous" about Safire would be like saying that a feather is lightweight. And then there is Anthony Lewis: but then, even when some traveling visitor from Mars stands on the broken columns of the Supreme Court, and lizards slink and slip again through the swamp from which Washington was once made, there always will be Anthony Lewis, abroad at home.

That is really the total weight of the Op-Ed page of the *New York Times*. How can one ask it, from these resources, to speak with authority? The Op-Ed page of the *Washington Post* is a different kettle of fish. It is so pinned down by the number of columns that it regularly publishes—none of which it seems to dare to drop, however bad they are—that one really might as well, with a few exceptions, simply keep last year's columns in print, and republish them every year. Certainly the reader would not know the difference.

Sometime about 1940, in the brilliant English literary magazine, *Horizon*, which was edited by Cyril Connolly, there was an article by an English visitor to the United States, a well known writer whose name I now forget, describing the phenomenon of the American columnist with considerable approbation and even exuberance. Indeed there was a heyday of the column, from the 1930s to the 1950s. Walter Lippmann, Joseph Alsop, Stewart Alsop, Marquis Childs (a remarkably good columnist), one could count off a dozen. They were masters of their space—how they knew what to do with 800 words, and what not to attempt!—but they also were men, for all their very differing opinions about events, each of whom seemed to have his own deeply experienced and informed vision of life. One felt with each of them that one really knew what they felt about life, about death, about love, about hate.

With few and occasional exceptions, this is no longer true. An editor who wished to make the *Washington Post* not merely a good but a great newspaper would look fearlessly at those columns. This editor would get rid of some of the columnists, making the page more flexible, but above all would insist on the right to be exercised each day to drop a column by a regular columnist when it was poor. It happens in every other part of the newspaper—poor copy is dished, continuously poor performers are sacked—so who are these sacred cows that one may not lay a twig across their backs? On and on they lumber, their udders dry, eating the best grass, taking the best stalls, through middle age into old age, and all they say is "Moo!" And then "Moo!"

But the fault is not theirs so much as it is that of the men and women, editors and proprietors, whose conduct of their newspapers is not steadied or made whole each day by some coherent sense of the continuities of life and society. An editor should be someone who employs people who think that they can find something new under the sun, but who himself knows and warns that nothing under the sun is new. In this role, the editor must pit himself against the management of his newspaper; and with that we come to the last of these preliminary but necessary observations.

"I will tell you when this newspaper—and all newspapers now—began to go down the drain," an experienced and wise old journalist once said to me. "Until a few years ago, the managers would call down to the editor and ask if they might come *down to him* to discuss some problem. He would usually say that he was going through a piece of copy with a reporter, and

Tad Szulc Honored

The Overseas Press Club has awarded *TNR* contributing editor Tad Szulc its 1976 award for the best interpretive reporting on foreign affairs in an American magazine. Szulc was honored for his *New Republic* series on conditions in Eastern and Western Europe (*TNR* 9/5, 10/2, 10/16, 10/23, 10/30, 11/6, 11/13, 11/20, 11/27, 12/4 and 12/11). Earlier recipients of OPC prizes include Lowell Thomas, Homer Bigart and Edward R. Murrow. Mr. Szulc also received the Maria Moors Cabot gold medal from Columbia, the Sigma Delta Chi award for excellence in reporting, and Overseas Press Club citations for excellence in 1966, 1974 and 1975.

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could the manager call back, say, in a couple of hours. But now the managers call down to the editor, and *ask him to come up* and, even if he is going through a piece with a reporter, up he trots. The editorial floor of newspapers has been surrendered in my own lifetime to the managerial floor." That was 20 years ago; I am glad my colleague is not now alive to see the further abasement.

No members of the editorial staff of a newspaper, least of all the editors, should regard themselves as part of the management, or expect to be anything but normally at war with the management. The role of an editor is to protect his newspaper and his editorial staff against the management. The management is necessarily intent on ruining the newspaper, in order to make it pay in ways in which it cannot be made to pay. When editors were in charge of newspapers, they were always newspapers, and they paid their way; the collapse of newspapers has been in direct relationship to the advancing supremacy of the managerial floor over the editorial floor, to the idea of the management that newspapers and magazines can be sold like shoes, which is exactly the analogy that was once used by Lord Thomson, a North American proprietor who came to Britain, then openly set about destroying every newspaper which he bought, in the name of profit, which he simultaneously destroyed.

I think that newspapers or magazines should be made to pay; there is no need for them to make a profit. But there is one particular way in which the influence of management has helped to destory the very newspapers that it says it wishes to save. Although my example is taken from *The Times* of London, I know that it applies to many other newspapers, not least in America.

It was from management that there emerged the idea that there was some "general readership" out there, with common tastes and needs and interests and aspirations. This is not so. For many generations, newspapers like *The Times* of London and the *New York Times* made themselves secure, and worthy of their security, because they addressed a large number of "minority" audiences with equal care. If one was interested in the budget of the Sudan, one had to have *The Times*. If one really was interested in chess, and wished to know about a game played last week in Bucharest, one had to buy *The Times*. If one was eccentric enough as to wish to read the actual words that a politician had used, and not the paraphrase of them by some reporter, one had to buy *The Times*. On this side of the Atlantic, the boast of the *New York Times*—"All the News That's Fit to Print"—had the same connotation. Whatever one was interested in, one would find in the *Times*.

All that has gone, in the search for a fictitious general readership, which may exist in the world of Kinney's shoes (although that is not even clear any longer), but does not exist in the world of letters, of which journalism is a part. There is no great sea of readers—each drop of water indistinguishable from the other—out there to be captured by marketing methods. If one knows anything about the habit of reading—as distinct from watching television—it is that it is an individual occupation, which separates people into individual selves.

The editor and (through him) his editorial staff must hold each one of those countless individuals in mind each day. "Are we telling the chess-players what they want to know, and can find nowhere else?" ought to be the question at every editorial meeting. Does the person who is interested in France have to wait for some crisis, some election, to read about it, the news to reach the front page for one day and then disappear? This world is infinitely full of activity—which is one of the challenges of being a journalist—and the readership on which one can rely, whatever the management says, is the readership in which individual interests find that they are *fully* and *regularly* and *knowledgeably* served.

To write for a "general reader" is the destruction of a writer; equally to try to produce a newspaper or a magazine for the "general reader" (which is one of the faults of the *Washington Star* in its gallant and often rather interesting attempts to reassert itself) will be the destruction of a newspaper or a journal. If words matter at all—and I do not know what reason we have to be in our business unless it is a care for the accuracy and the charity of words—then the object of words is to isolate, to separate, to discriminate, and know that our readers will respond as individuals.

One cannot expect management to understand this: it is not their function. Their function is just as worthy as that of the journalist, but it is different, and the difference must be kept as clear as daylight. One cannot be both editor and manager; the roles cannot be confused without a severe disjointing of both.

At the time of the real anger in the pressmen's strike at the *Washington Post*, I happened to have dinner with one of the editorial page editors of the newspaper, whose acquaintance I cherish, and its literary editor whom I count as a dear friend. We argued about the strike, warmly but without corrosiveness, and one thing that was interesting to me was that both of them said that, as a result of their positions, they had become "managers." They were both journalists—to me, remarkably good journalists—but they thought that they had crossed a line.

In that case, something serious had gone wrong; and one will look around in vain for the newspaper and the journalist who "sees life steady and sees it whole"; and it is in that context, as it can only be in that context, that I will move next week to a closer study of some of the instances in which I think that the press, in presuming to the harlot's prerogative, is doing so simply because it has abandoned all sense of the just prerogatives that its own language can claim.

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Stanley Kauffmann on films

Bad Dream

3 Women (20th Century-Fox). First there is white, an all-white screen, then the first image fades in. It's also the way that *Persona* begins. Soon we see draped figures sitting around a swimming pool, the ordinary suggesting the ominous as in *8½*. References to other films subsequently come along, but the one that predominates is *Persona*; and the more that Robert Altman refers to it, the punier he looks. *3 Women*, which is about personality—like *Persona*, it thinks, is the most pretentiously, ludicruously empty film in years, one of the worst since Altman's own *Images*. The new picture serves only one purpose: it clarifies Altman's essence.

It's a middleclass mind. In the past he has shown humor, especially in *M*A*S*H* and *The Long Goodbye* but also in the inflated *Nashville* and in such fuzzy affected things as *McCabe and Mrs. Miller* and *Buffalo Bill*. When he divests himself of humor, as here, he reveals why even some of his humorous films fail. It's a middleclass mind with middleclass talent and middleclass ambitions. He sees what's happening among genuine artists, then adapts their achievements to his dwarfish stature and uses them as décor. He's the film equivalent of the advertising agency art director who haunts the galleries to keep his eye fresh.

But the ad agency man usually knows why he's doing what he does, knows that he's a merchandiser, that the influence of (say) minimalist art will make his layouts look chic. Altman seems actually to believe—which is what seals him into his middleclassness—that his selection and imitation of surfaces from real artists is really accomplishing something. He makes his films at the highest level of his imagination, right up there on those hillocks that are under the foothills that are under the peaks of art. Style, as some critics have been telling us since Walter Pater, may be all; but mannerism is zero.

Mannerism, in place of substance and style, begins here with the script. In *3 Women* Sissy Spacek, a Texas girl living in Southern California, attempts suicide. Her parents are sent for, arrive (inexplicably they are old enough to be her grandparents), and go with great concern to see her in the hospital. She flatly denies that they are her parents, though they recognize her and call her by name; she denies knowing them at all. (No slightest suggestion that she is out of her mind.) The old folks leave, and that's the end of it. No explanation or even comment. Altman evidently assumes that, simply by leaving the matter unexplained, he achieves the mystery of Antonioni and Bergman. The exterior has been mimed, he seems to say, so isn't it art? Later, Janice Rule is having a baby, and Shelley Duvall sends Spacek for a doctor. Spacek runs out of the house, then stands rooted to the spot watching the labor through the open door instead of going for help. Why? Unexplained; and again the lack of explanation is supposed to give it ambiguous resonance. In the last sequence Rule, who has hardly spoken to the other two before—Duvall and Spacek have been in an apartment complex that Rule's husband owns—is now living with the girls, Duvall functioning as mother, Rule (whose child was still-born) and Spacek as her family. Again why? Again: the mere fact that it's incomprehensible is supposed to make it significant.

Altman and his enthusiasts have made much of the fact that he dreamed this film. Maybe he was really dreaming of *Persona* as best he could, but the mere setting down of dreams—on film or any other way—is not automatically awesome; the dream must dream itself for *us*. And did Altman's dream command him to zoom in at the end of so many sequences—a habit that has ridden him since *McCabe*? Did his unconscious insist that, even when there was absolutely nothing of consequence to emphasize at the end of a sequence—like the stitching on Spacek's sewing machine—he ought still to zoom in and inflate it?

Altman wrote the script himself, of course, and produced, of course. Duvall is a kind of therapist at an exercise place for senior citizens. Spacek is hired there and is trained by Duvall. Spacek learns that the older girl also comes from Texas, begins to adore her, and, when Duvall's apartment-mate leaves to marry, moves in with her. (Altman makes many stale jokes about their sorry ideas of interior decoration and gourmet cooking.) On the premises is Rule, the very pregnant wife of the landlord who also owns the bar nearby. Her husband's sexual prowling helps to precipitate whatever drama is in the piece. Rule never speaks, she just paints, covering every inch of available space—including the bottom of a swimming pool—with murals of fierce, fiercely sexual creatures. Often the camera pans slowly and closely over these paintings, and if a camera moves slowly over *paintings*, for heaven's sake, how can one doubt the high quality of the film? Who is going to be dull enough to ask how the paintings relate to the people in the film, what tacit secrets are being spoken? It's art, isn't it? Dreamy, isn't it? Slow and misty and vague? What more could you possibly want?

The cast includes the overripe, wearily oversexed Californian male—played here by Robert Fortier—that John Considine played better in *Welcome to L.A.* Reviewing that film a few weeks ago (it was directed by Alan Rudolph, produced by Altman) I said that Spacek was supplying the oyster-eyed gauntness that usually comes from Duvall in Altman productions. I'd forgotten, if I ever knew, that *3 Women* was en route with both of them. Duvall to me is a skeletal figure with just enough acting gift to show how much she lacks. Spacek, who is marginally better-looking and more gifted, is something of a phenomenon: I can't think of another actress, American or foreign, who ever launched a career as a

Films Worth Seeing

Aguirre, The Wrath of God. Werner Herzog's stunning (German) film of political madness among Spanish *conquistadores*, Peru 1560. Thematically heavy, cinematically superb.

Black Sunday. Palestinian guerrillas vs. Israeli agents in the US. Overlong but textured and often taut.

Cousin, Cousine. Fairy-tale sex posing as reality, but nicely French, so nice.

Network. Paddy Chayefsky vs. the TV Establishment. Vigorous, phony, razzle-dazzling. **SK**

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freak with sex appeal. From her debut in *Badlands*, in which at least she was supposed to be affectless and quasi-retarded, Spacek has moved like a humanoid fungus through *Carrie* (psychokinesis *and* first menstruation for one admission price) and *L. A.* (a virtually insensate juvenile hustler).

Lots of things are signs of our times. Sometimes I think that a major industry of our times is the production of signs of itself. The success of these two young women is possibly a sign of our appetite for destruction—in this case, destruction of traditional ideas of feminine appeal—related fundamentally to the heightened appetite for physical destruction to which Hollywood has been catering in this decade. And Altman's presumption here that his barren dream will affect us like the powerful film dreams of fine artists is a sign of esthetic debasement related to the debasement that he himself satirizes in supermarket gourmet foods.

Book Note. Urizen Books has published Robert Bresson's *Notes on Cinematography*, translated by Jonathan Griffin. (Cloth $6.95; paper $3.50.) These are memoranda to himself made over the years by the director of, among many films, at least two masterpieces, *Diary of a Country Priest* and *A Man Escaped*. The notes fix aphoristically the chief elements in Bresson's style: his search for stillness, his consuming spiritual hunger, his detestation of all that is theatrical including acting, his belief in cinematography, a term that, as he uses it, means "writing with images in movement and with sounds." He doesn't like actors, he wants to use what he calls models, from whom he can get "what they do not suspect is in them." This method has sometimes produced fine art, sometimes tedium, as in *Lancelot of the Lake*. (And, contradictorily, he has often used professional actors, sometimes well.)

Whether one agrees with him or not (I don't), his views are those of an authentic artist. And in the course of these notes he says some memorable things for anyone.

> Obvious *travelling* or *panning* shots do not correspond to the movements of the eye . . . (One should not use the camera as if it were a broom.)

Art thou listening, Robert Altman?

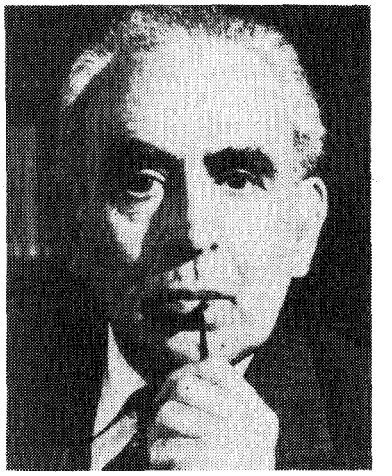
> THE SOUNDTRACK INVENTED SILENCE

Bresson's capitals. The line deserves them.

Gershwin, Part II

Concerto in F

Writing in these pages last week about Gershwin's *Rhapsody in Blue*, I said that it was my growing interest in jazz that had caused me to stop listening to Gershwin about 30 years ago, and that I had only recently begun again to listen to the *Rhapsody*, *Concerto in F*, and *An American in Paris*. What made me begin listening again was hearing for the first time the opening of the second movement of the *Concerto* as it was recorded by Paul Whiteman in 1928, with Bix Beiderbecke playing the muted trumpet solo. That was the only part of the performance I heard because it is the only part in which Bix has a solo, and the record I heard was part of the complete Bix set on the Joker label. But there instantly seemed to be an astonishing number of differences from the work as I remembered it, and I got out my score to make sure my memory was correct. Instead of the draggy tempo at which the movement is usually played, I heard the *Andante con moto* indicated in the score; but instead of the two clarinets and bass clarinet to which the sinuous accompanying figure is allotted in the score, I heard the much less dry sound of three saxes; instead of the score's sustained cello pedal-point under the solo, I heard a baritone sax pedal-point punctuated by the light, steady beat of a plucked bass; and, best of all, instead of the straight-arrow "studio" tone and dead, unvarying rhythm with which the solo is always played by symphony trumpet players, I heard Bix's gorgeously fat and sumptuous tone, each phrase shaped perfectly and executed with the elegance and lazy nonchalance that he alone could command. It all added up to exactly the blend of languor and urgency needed to create the "poetic nocturnal



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atmosphere" Gershwin said he was striving for.

A few months later a friend in England was kind enough to send me a tape of his 78-rpm copies of the whole *Concerto*, and while the other two movements did not come off as well in the reduced Whiteman orchestration as the more intimate second movement, it still seemed to me that this was the way the piece should be heard. Because I knew that the *Rhapsody in Blue* had originally been scored for the Whiteman band by Ferde Grofé and then later rescored by him for full orchestra, and that Grofé had also done the Whiteman arrangement of the *Concerto*, I immediately jumped to the conclusion that the case of the *Concerto* was parallel to that of the *Rhapsody*: each piece had originally been played in a Grofé arrangement for expanded jazz band, far more appropriate to its musical content than the later symphonic orchestration now always foisted upon us. But in this I was completely mistaken.

The only book I then had which even mentioned the matter was the superb Sudhalter and Evans biography of Bix, in which there was a reference to an "original orchestration by William Dailey [sic]." Rightly or wrongly, I took Sudhalter and Evans to be implying that it was Grofé's new orchestration, made for the Whiteman coast-to-coast tour in the fall of 1928 (almost three years after the *Concerto*'s premiere), that had made the work famous, and that the "original orchestration" had long since slipped from view, both it and Grofé's orchestration having been supplanted by the one we hear today. Later I discovered that after the 1924 Aeolian Hall concert at which the *Rhapsody* was premiered, there were innuendoes in the press that Grofé had not only orchestrated the piece but had actually composed parts of it. Ferde Grofé, Jr., has told me that there was for some time a good deal of "sensitivity" between his father and Gershwin on this point. (Mr. Grofé also added that in this case, as in many others, Ira Gershwin had been "the peacemaker, the unsung hero.") At any rate, shortly after Walter Damrosch had persuaded the New York Symphony to commission the *Concerto*, Gershwin, being Gershwin and limitlessly ambitious, determined that from then on he would do his own orchestrations. He went out and bought a copy of Forsyth's *Orchestration*, and despite a good deal of later quibbling about how much help he received from his friend William Daly and others in orchestrating the *Concerto* and later works, the overwhelming likelihood is that Gershwin was solely responsible for the orchestrations of all of them. (I am speaking only of the so-called "serious" works: the musical shows were of course another matter.)

Thus Grofé's version of the *Concerto* was not, as I had too hastily assumed, in some sense more "authentic" than the one we hear today. Quite the reverse. There was no orchestration by Daly, and the one we hear today is, for better or worse, the only authentic one, done by Gershwin himself for the work's December 1925 premiere. He was in fact displeased by Grofé's orchestration and by the fact that Whiteman's recording of it was the only available recording of the *Concerto*: incredibly, it seems never to have occurred to anyone to have Gershwin himself record it, and the original orchestration remained unrecorded until several years after his death.

That two such thorough researchers as Sudhalter and Evans could so easily have swallowed the old (and now largely discredited) rumor about the *Concerto*'s original orchestration, and could even have misspelled Daly's name, is symptomatic of the curious air of mystery and confusion that has always surrounded Gershwin's serious works. Right from the Aeolian Hall concert to his death 13 years later, there were repeated (though almost invariably unsubstantiated and unexamined) claims that just as he had had help with the orchestration (and perhaps even the composition) of the *Rhapsody*, so he must also have had help with the orchestration (and perhaps even the composition) of the *Concerto*, *An American in Paris*, and *Porgy and Bess*. George Gershwin, onetime song-plugger and successful writer of show tunes, simply couldn't have done it all himself.

That such rumors about the *Concerto* were well established six months after its premiere is proved by an exchange Gershwin had in the magazine *Singing* with A. Walter Kramer, composer, and pillar of the New York music establishment. In the July 1926 issue Gershwin published one of his innocent, enthusiastic puff-pieces entitled "Does Jazz Belong to Art?" and in the September issue Kramer countered with "I Do Not Think Jazz 'Belongs.'" As opposed to the classical world, in which "composers do their writing for themselves," Kramer took Gershwin as representative of the jazz world, in which "the man who is dubbed 'arranger' is the musician of the combination, the man who takes the composer's sketch and writes out a score. It is openly stated," wrote Kramer, "that the scoring of the 'Rhapsody in Blue' is Ferdie's; that the Gershwin Piano Concerto was written by him [*i.e.*, Gershwin], but the orchestration done by someone else." Kramer cited no sources and gave no reasons for believing this about the *Concerto*; indeed he felt free to admit that while he had been told that "as a box office attraction" the work had been a "complete success," he himself had never heard it and had never examined the score. The next month Gershwin replied to this spiteful little exercise with surprising good humor, complaining that Kramer had done him "an injustice" and saying he would be "delighted to arrange a meeting with Mr. Kramer at his earliest convenience, and go over with him the full score of this concerto." Out of desperation Gershwin even enclosed a photostat of one page of his manuscript score—though of course this proved nothing.

Nor is anything conclusively proved by the fact that the full manuscript scores of the *Concerto*, *An American in Paris*, and *Porgy and Bess*, now in the Library of Congress, are all in Gershwin's hand. There could have been earlier rough versions which were submitted for amplification or correction to Daly or Damrosch or Robert Russell Bennett, who like Daly scored many Gershwin shows, or, in the case of *Porgy*, to the theoretician Joseph Schillinger, with whom Gershwin was studying during the summer of 1935 while orchestrating his opera. Gershwin could then have covered his tracks by copying out in his own hand final versions that incorporated whatever changes the others had recommended. But this is conspiracy-thinking: it makes no psychological sense when we recall

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Gershwin's fierce pride in his work, nor is it in any way corroborated by the surviving evidence.

In the Library of Congress are the first eight pages of an undated, apparently quite early attempt at an orchestration of the *Concerto*. The music is the music that begins the work, but Gershwin was uncertain enough of its eventual location to title the first page "Concerto in F (beginning?)." Yet when the few changes and crossings-out are taken into account, we have the first 48 bars of the *Concerto* almost exactly as they stand in the published score. Moreover, there is a sketch of the whole work done, as was the original sketch of the *Rhapsody*, in a sort of two-piano arrangement, with the orchestral part reduced to two (or occasionally three or four) staves. The main changes within this manuscript are cuts and the reallocation of material from orchestration to piano or vice versa. There are fewer suggestions for instrumentation than there are in the sketch of *Rhapsody in Blue*, and instead of being distributed more or less evenly throughout the work, as was the case with the *Rhapsody*, in the *Concerto* sketch such suggestions are found almost entirely at the beginnings of movements, where they tend to be quite detailed and explicit.

This fact, taken in conjunction with the evidence of the early eight-page orchestration, strongly suggests that Gershwin was not writing his sketch of the *Concerto* for someone else to orchestrate, as of course he had been doing with the *Rhapsody*, but rather that he was writing for himself: he was counting on his ability, once the orchestral color of each movement had been established by the heavy annotations at the beginning, to recall and flesh out his conception of the orchestration. In the first full orchestral version of the *Concerto* there are a couple of major cuts and a wealth of minor changes. Some of the latter have been pencilled in by a hand much larger than Gershwin's, the same hand that has also frequently scrawled the abbreviated name of an instrument next to a solo entrance. Since these scrawled abbreviations are the sort of "sight-cues" that would be of use only to a conductor, and since they are written either in German ("Pos." for trombone) or in international musicians' argot ("Fg." for bassoon, "Cor." for horn), they were probably added by Damrosch. He would seem, then, to have been the one who helped Gershwin with the cuts and minor changes, presumably before the work's first performance.

Yet the page that Gershwin submitted to *Singing* along with his reply to Kramer, while clearly taken from the manuscript score now in the Library of Congress, does not contain any of the sight-cues that are now on that page. Thus they were either added after mid-1926, which would leave one in doubt as to the date of the cuts and other changes, or the photostat Gershwin sent to *Singing* was made before the premiere, which seems most unlikely. Finally there is the printed score, edited by Frank Campbell-Watson. The differences between this score and the corrected manuscript score are minimal: Campbell-Watson altered a few balances but mostly he confined himself to adding (and making consistent) phrasing marks and tempo indications.

It seems clear then that Gershwin did the orchestration of the *Concerto* himself, and then allowed Damrosch to make cuts and other changes. There is no reason whatever to suppose that Damrosch or anyone else did anything but the sort of minor clean-up work that someone of his great orchestral experience would find easy and obvious. Why then should there have been such a hue and cry about the orchestrations of the *Concerto* and later works? Partly, of course, because the *Rhapsody* really had been scored by someone else. But more importantly, I think, for the reason that emerges so clearly in Kramer's article: Gershwin had begun his career as a writer of popular songs. People tend to assume that there are two kinds of musical talent, the classical kind and the popular or jazz kind. Since Gershwin early became stereotyped as a popular composer it was difficult to believe that he would master a traditional classical subject like orchestration. In reality, however, there is only one kind of musical talent, and the path along which it develops is mainly a matter of environment and accident. Besides, orchestration is not very difficult. It is a required subject for graduate students in music, who do not ordinarily find it as hard as many of the other things they must learn. To be able to orchestrate Mussorgsky's *Pictures* as Ravel did, or Weber's *Invitation to the Dance* as Berlioz did, obviously requires genius; but to turn out a serviceable orchestration is really quite easy: there are well established rules and good textbooks, such as Forsyth's. It seems very unlikely that a person of Gershwin's extraordinary musical gifts (not to mention his driving

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ambition) could not teach himself, in a year or so, what every bright graduate student in music learns fairly easily. As his friend Kay Swift remarked, "Anything he wanted to learn, he hit with a terrific sock. He just tore into it."

Moreover, the orchestration of the *Concerto* is no more than serviceable. Instruments are used in choirs and blocks, and the score looks like an expanded piano sketch in which chunks of material have simply been doled out to various orchestral groups. At its best, as performed by Werner Haas and the Monte Carlo Opera Orchestra under Edo de Waart on Philips 6500 118, the work stands up well, though not so well as either the *Rhapsody* or *An American in Paris*. The three movements all begin very distinctively, but as they go on the distinctions become harder to keep in mind. All three have big, memorable *moderato* tunes, rather like the E-major tune in the *Rhapsody* and the blues in *An American in Paris*. Thus the movements tend to run together in one's memory, destroying the sense of contrast and balance that is the essence of classical symphonic or concerto form. Moreover, one of the big tunes from the first movement and the one from the second are both recalled in the third, further weakening our sense of the work as a three-movement concerto and drawing it closer to the loose episodic form that Gershwin used so well in both the *Rhapsody* and *An American in Paris*. But of course the *Concerto* is much longer than either of the other two works, and without clearly defined formal contrasts the length seems excessive and the work itself amorphous. Plainly, the *Concerto* is a transitional work, formally unstable and orchestrated without particular distinction. It is no accident that three years later Gershwin, his skill at orchestration and musical construction enormously increased, returned in *An American in Paris* to the episodic form of *Rhapsody in Blue*.

William Youngren

William Youngren teaches English at Boston College and writes on music for *The Hudson Review*. This is the second of a four-part series on the major works of George Gershwin.

Books Considered

Toys and Reasons
by Erik H. Erikson

(Norton; $8.95)

Erik H. Erikson:
The Power and Limits of a Vision
by Paul Roazen

(Free Press; $8.95)

Toys and Reasons begins and ends with allusions to the national and international scenes: the engaging opening sequence quotes journalistic commentators on Vietnam and Watergate, noting persistent metaphorical allusions to play-acting of one sort or another. Play as a mode of deceit apparently defined for many the political uncertainties of the early '70s. Contemplation of this fact leads Erik Erikson to consider other modes and functions of play, beginning with its diagnostic relevance in understanding the deep themes of a child's life, which become the themes of adulthood. Play also functions to consolidate early patterns of "ritualization," the "carefully dosed and playfully repeated item[s] of daily custom" which govern much of our understanding of the world. Ritualizations have communal as well as personal functions; shared, they help define a national vision. Their loss marks the shattering of vision. Erikson sees the slaughter at My Lai as indicating the absence of ritualized comprehension in the soldiers who committed it, and like others he takes the episode as symptomatic of national malaise. Our country, he believes, has shared both dreams and nightmares; psychoanalysis—here matters become a bit vague—can help to discriminate the elements of each, help us to understand ourselves as a nation, our role in the world, as well as our nature as individuals.

One may doubt this claim, given its grandiosity and its lack of specificity, yet admire the book which contains it. Only once ("Let us . . . play with the themes suggested") does Erikson hint openly that his own procedure exemplifies the virtues of that human activity he celebrates. But he demonstrates implicitly at every turn how much both psychoanalysis and his writing about it depend on the energies of play. He reports, for example, the dream of a young woman patient, consisting simply of the word *SEINE* in illuminated capital letters against a dark background, with the first *E* bracketed. The interpretation of this dream, involving multilingual puns, condensed autobiographical allusions, comments on the patient's relation to her analyst, requires of the interpreter the skill, the zest, the inventiveness of game. Through such play—and through the play with language that underlies Erikson's elegant sentences—comes insight. "True make-believe may play with facts, but it cannot lie, while fake reality may, up to a point, seem to master the facts, but it never tells the truth." The delight in paradox, a version of make-believe, reveals Erikson's own truth. The writer's playfulness engages the reader in his linguistic games, which turn out to involve much more than language. Such a statement as that about make-believe reverberates in the mind, makes one pause and reflect, and return to reflect again as memory restores the challenging epigrammatic formulation.

Erikson repeats himself to some extent in this book, as he has repeated himself before. Once more he restates and modifies earlier positions, once more he renews the case for a life cycle of sequential stages, offering again a schematic chart to explain the developments he outlines. The chart this time details a sequence of "ritualizations" by which the elements in adult ritual (the numinous, judicious, dramatic, formal, and ideological) become established. The mutuality of recognition characteristic of infancy, for example, yields the "numinous"; early childhood's discrimination of good and bad generates the judicious. The specific aspects of development here focused on, then, represent something new, if the general pattern does not. And the political context which Erikson sketches for his pattern of growth ("political" in two senses, referring both to the personal politics of everyday life and to

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social dynamics) suggests a new kind of emphasis, emerging from the earlier concern with society's meaning to individuals.

Paul Roazen complains that Erikson takes play too seriously, adopting "an unnecessarily bourgeois view of the child . . . . Purposefully hard at work in play, the Eriksonian child does not seem to have much fun." He resembles, in this respect, the Eriksonian adult, likewise involved in arduous effort to progress through stages of human development. Erikson's attitude toward play, from Roazen's point of view, exemplifies weaknesses also to be found elsewhere in his thought, such as an unfortunate intensity of devotion to Freud, often tortuously manifested, and conservative political tendencies of which the psychoanalyst himself seems largely unaware.

Toys and Reasons at once confirms and refutes such objections. Dedicated to Joan Erikson "because of her lifelong devotion to the grace that is play," looking at play in its diverse meanings and implications, the book itself demonstrates a grace and flexibility which implicitly comment on Roazen's rather heavy-handed classificatory zeal. Erikson does find play a serious matter, and life generally; he acknowledges Freud as his great precursor; his "conservatism" emerges in his guarded optimism about the future's political possibilities. But seriousness for him does not preclude fun, respectful acknowledgement of Freud need not interfere with perception of limitation, political optimism always admits reason for pessimism. Roazen, finding repeated evidence of Erikson's "ambivalence," appears to consider this among the sage's telling limitations. *Toys and Reasons*, like Erikson's earlier work, demonstrates that "ambivalence" may amount to dwelling as an informed inhabitant in a world of complexities.

The psychoanalyst's complexities, in Roazen's rendition, suffer conversion to drastically comprehensible simplifications. Explanatory and critical rather than biographical, the Roazen study endeavors to trace the development of Erikson's thought through various categories: "Society," "Psychohistory," "Youth and Identity," "The Life Cycle," and so on. Despite a reductive effect, the technique often clarifies issues and reminds the readers of the crucial investigations Erikson has undertaken. But, respectful of undeniable accomplishment though he is, Roazen displays an unrelenting determination to deflate his subject's pretensions and to demonstrate his own superior clarity of perception. Occasionally he succeeds. He offers a penetrating comment, for example, on Erikson's characteristic references to a "sense of freedom," which enable him to evade the crucial question of how much freedom people actually have by suggesting that feeling is more important than fact. He defines with precision the ways that the analyst slides from psychological to ethical concerns in the terminology he applies to kinds of "ego strength" characteristic of various life-cycle stages—"faith," "responsibility"—and he locates an important source of Erikson's popular appeal in the comprehensiveness of his vision, its implicit promise of a new secular religion which explains how life should be as well as how it is.

Erik Erikson
by David Schorr

Yet Roazen's fundamental grievance against psychoanalysis as an enterprise violates any claim to objectivity his book might make. What's finally wrong with Erikson, from Roazen's point of view, is his profession, quite apart from anything Erikson has said about that profession. A typical instance of Roazen's tactics: Erikson, in *Toys and Reasons*, notes the "sensory deprivation" involved in the denial of eye-to-eye contact between analyst and patient, going on to point out the function of this deprivation in encouraging transference reactions. Roazen seizes Erikson's casually-used phrase as though it betrayed the analyst's skepticism about his own occupation. In a sequence of references to what is for Erikson a minor point, the critic concludes—without really arguing—that "the peculiarities of the psychoanalytic setting" themselves generate such regressive feelings that they lead to serious "disorientations"; consequently what happens in this setting can tell us little about "normal psychology." Psychoanalysis creates the ailments it purports to cure.

The shrillness of tone manifest in such contentions conveys an air of irrational antagonism which undermines the persuasiveness of Roazen's argument. In contrast, the ease and power of Erikson's writing declare the difference between play's true mastery and the mere assertion of dominance which belongs, he tells us, to "fake reality." *Toys and Reasons* claims attention for the demonstrated capacity of serious play; Roazen's insistent solemnity fatally weakens his authority.

Patricia Meyer Spacks

Patricia Meyer Spacks is a Fellow of the National Humanities Institute in New Haven.

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Anarchists of Andalusia, 1868-1903
by Temma Kaplan

(Princeton; $13.50)

This is not just a good history, and the first in English on the subject. It is also a deeply encouraging and politically useful book. Its greatest merit is to rescue the anarchists of 19th-century Andalusia from folklore and make them significant to an American public today.

No small triumph. If anything John Kenneth Galbraith, Daniel Bell, or Zbigniew Brzezinski has taught us about our present condition is true, Spanish anarchists a hundred years ago could hardly mean much to us. How could "pre-industrial" crazies figure as more than historical curiosities in a "new industrial" or "post-industrial" or even "technetronic" age like ours? But thanks to Temma Kaplan, here they are full of meaning—and sane, reasonable, and easy to understand.

They lived in particular places, towns west from Ronda to Sanlúcar de Barrameda and south from las Cabezas de San Juan to Chiclana de la Frontera, in the northern districts of Cádiz Province, the vineyard and wheat country of southwestern Spain, the richest sherry-producing area in the world. And in each town they comprised a particular productive fellowship of winegrowers, wheat-, chickpea-, or bean-farmers, pruners, pickers, coopers, masons, servants, carpenters, blenders, cobblers, butchers, bakers, muleteers, wheelwrights, stonecutters, barbers, locksmiths, painters, blacksmiths, potters, carters.

They lived moreover in particular years when sherry production passed out of the hands of many little local independent proprietors and into the hands of a few big companies, and when the national government tried one reform after another to establish a sound fiscal system, failed repeatedly, and collapsed in the war with the United States at the turn of the century.

They had particular problems therefore, a declining demand for their crafts, expanding agricultural monopolies, sporadic food shortages, military conscription hardest on the poorest, taxes on household necessities, no effective public education, brutal police, authorities rabidly suspicious of strikes. And they fought back in particular ways, organizing despite the police in cooperatives, friendly societies, schools, unions (many with a women's auxiliary), and sometimes secret cells to overthrow the local authorities and run their town themselves. Many called themselves anarchists, simply because anarchist was the name working people then took in southern Spain if they felt ready to fight to keep their livelihood and self-respect.

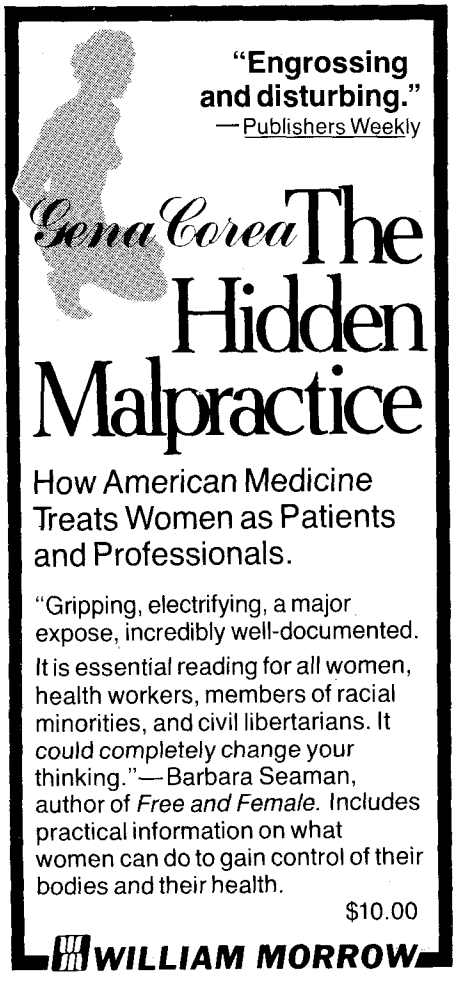
The "pre-" and "post-" professors notwithstanding, between that age and ours the basic development is continuous. Then and there the mode of business was capitalist. Here and now it remains so. Among those Spaniards the resistance to capitalism was a mingling of die-hard local resentments and dimly conceived general logic. Among us it is still the same. The differences matter, but not fundamentally.

Respectful of the canons of her craft, Kaplan does not make such implications explicit, but sticks properly close to her subject. After a quick geographic survey of Cádiz Province and the turns of business and official politics there during the national crises of 1868-72, she delivers her most interesting chapter on the province's contemporary anarchist movements. For popular struggles these were remarkably successful. Based on the militant organization of all the trades in each town, and tied into the various local cooperatives, associations, schools, and clubs, they represented a formidable identity of workers and community. Separately, workers settled for better deals for themselves alone, "reformism," while the community pushed for share-and-share-alike, "communalism." Together they staged draft riots, strikes in town and country, and a 33-day Commune in Sanlúcar de Barrameda in the summer of 1873, proclaimed before similar revolts elsewhere in Spain that summer and lasting longer.

Eight years of national repression followed. The government suffered no more insurrections in Andalusia. But, as Kaplan details, neither did it eradicate the region's anarchists, who kept the unions and the communal associations intact underground.

In 1881, during a lull in the repression, the underground went public as the Unión de Trabajadores del Campo. Actually a loose federation, its local unions included not only field hands, but also vinetenders, coopers, bakers, and other workers. Through the decade, while prices crept up, they took advantage of the tighter labor market to drive wages up much faster. The UTC unions did so well for their members that they lost the trust of the communal associations, of the seasonally unemployed, for example, or of women or tenants; and the local identity of workers and community broke in two. But by the early 1890s organized labor and its organized neighbors in the Andalusian towns had compromised their disagreements and recombined their strengths. Like their fellows around the Mediterranean, in Western Europe, and in the United States in the 1890s, they were inventing anarcho-syndicalism. Their tactics were characteristic, the boycott, the demonstration, and the general strike.

Big general strikes hit Cádiz Province in 1892, 1902, and 1903. Far from "spontaneous" or "millenarian," as Gerald Brenan argued, they were thoroughly calculated struggles in which the unions in a town would mobilize all its communal associations into a single movement against the local bosses and the government. Though crushed, the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strikes gained some ground for workers and community. They also revealed anarcho-syndicalism's worst fault, its difficulty in connecting local movements into a broader campaign. A few experienced leaders grasped the problem and took the first steps toward coordination. Thus they began a regional tradition of insurrection "that became synonymous with Andalusian anarchism."

These anarcho-syndicalist struggles were ended only by an act of God. Between 1904 and 1906 the last major natural famine in Western Europe gave the police enough power in Andalusia to drive the militants there back underground. With their retreat Kaplan rightly ends her study.

Another generation, however, would resume the struggle during World War I. In rival forms, anarchist, anarcho-syndicalist, Socialist, Trotskyite, Communist, it would carry the cause of "workers and people united" into the Civil War in the 1930s. Yet another generation has carried it into the 1970s. It is a long revolution, not only in Spain, but elsewhere in the world too. By an admirably clear account of how it went in Andalusia several decades ago, Kaplan has helped us to see more clearly where we are now. Good history is always the best criticism.

John Womeck, Jr.

John Womeck, Jr., is professor of history at Harvard and author of *Zapata and the Mexican Revolution* (Knopf).

Baraka: The Regenade and the Mask
by Kimberly W. Benston

(Yale; $12.50)

Where Imamu Amiri Baraka (LeRoi Jones) is going is not altogether clear; where he has been is, however, a matter of record and historical importance. His rate of publication has fallen dramatically since the '60s, and his authority has unquestionably declined. He shares in the general fate of almost all black leaders of that decade, and in the special fate of blacks who turn openly to Communism but still hope to influence the Afro-American people. Baraka's most recent "volume" of poetry is the mimeographed *Hard Facts* (1975), a slender pamphlet embossed front and back with examples of the iconography of revolutionary Marxism, which is Baraka's most recent obsession. The spectre haunting America is not white racism but multi-colored—or colorless—capitalism, and Marx, Lenin, Stalin, and Mao Tse-tung are the images graven on this former black nationalist's book. The typically hysterical tone of *Hard Facts* suggests, however, that Marxism will not be the last step on Baraka's fiery path, or the last word in that "twenty-volume suicide note" promised in his first collection of verse in 1961. He may yet end, like Claude McKay after his own leftist wandering, repentent and contrite in the arms of Mother Church. For Baraka, this would be a fittingly bizarre end for the most controversial figure on the modern black literary scene, a writer whose name is synonymous in the minds of many blacks and whites alike with an anarchical stew of race-hatred, anti-Semitism, oracular mysticism, political adventurism, and irrationality.

The instability of Baraka's personality and ideas is certainly there and must be reckoned with. As Kimberly Benston judges in this remarkably judicious study, Baraka is making of his life "the continuous, open-ended epic that will end with his death: it is endlessly exploratory, continually forming, disintegrating and re-forming." On the other hand, Baraka's career is eminently explicable; his motion toward Marxism, for example, is a logical, though by no means inevitable extension of the dynamics of his thought since that first volume. An attempt to understand him must be made. It is myopic to judge Baraka by marking the place where he currently thrashes, and—worse still—academic to ask whether his talent is gone. If he never wrote another word his place in Afro-American cultural history is assured. His poems, plays, and essays together form the most significant body of work in recent black literature, and—in spite of the general boneheadedness of cultural nationalism as a doctrine—the most complex.

Baraka's vanguard importance in Afro-American literary culture is in his far reaching exposition of the doctrine of cultural nationalism, a congeries of beliefs, hopes, and attitudes that leads often to self-deception and cosmetic fictions but has induced Baraka both to passages of excess and to the most

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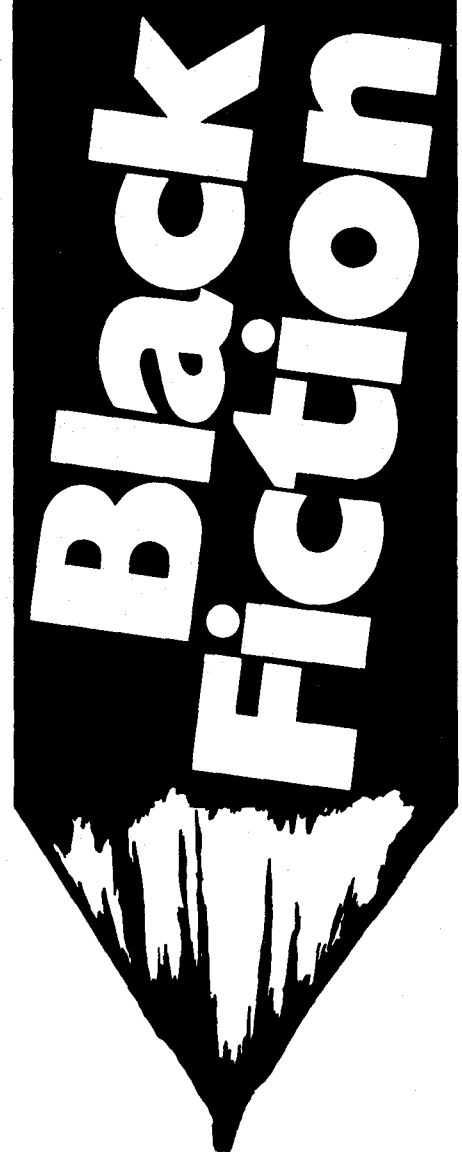

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uncompromising modern examination of black American culture—urban, rural, contemporary, and historic—yet developed by a black writer. A disciple of the beat generation and of the flourishing avant-garde culture of the Village in the 1950s, Jones was trained to rebel. He grounded his art as a poet on the principles of self-revelation as the source of primary artistic truth and of "projective verse" or "open-field composition" (especially as advocated by Robert Creeley and Charles Olsen) as the germane language of such truth. Added to these ideas was a devotion to the cause of progressive black jazz musicians, who were themselves a major influence on the white poets who shaped Baraka's art; and also—almost inevitable in the black American—a latent but powerful gift for political inquiry that would depend for its development on his eventual recognition of empiricism ("hard facts") and historicity as the keys to political analysis. Baraka long resisted that recognition because of his native tendencies toward idealism as a philosophic attitude and lyricism as his most expressive mode. He shared, if almost always with discomfort, the traditional disdain of the avant-garde for political commitment. But in its thematic and technical concerns, the beat avant-garde and their successors provided cultural analogues almost immediately recognizable to the black artist politically troubled but enmeshed in reactionary cultural forms. Baraka enlisted in the brigade of poetic rebels distinguished by the sometimes contradictory poetic statements that reflected their troubled fascination with the democratic, the vulgar, the sexual, and the profane, and by their open scorn for traditional descriptions of Western culture as fundamentally moral and humanitarian. Baraka was not the first black American poet to explore consciously the Walt Whitman tradition in American poetry. James Weldon Johnson and Langston Hughes were there before him—but he was the major beneficiary of the most militant phase of Whitmanism in America, the period since World War II. While Gwendolyn Brooks took the high ground of rhyme, alliteration, and irony, Melvin Tolson succumbed to the Circe of learned allusion, and Robert Hayden attempted to reconcile a burning historic sense to a private but impersonal reflexiveness, Baraka delivered his art to the task of cultural sabotage and subversion.

From the ouset of his career, as Benston puts it, "we find Jones rejecting any proposition that cannot be directly translated into a force, an act, or a series of acts; hence, as a matter of principle, he gives preference to the possibility of a dramatic and emphatic gesture over the elusiveness of implied meaning." That aspiration to concreteness, to a sense of praxis, was only fitfully expressed in Afro-American literature before Baraka. Richard Wright's "Blueprint for Negro Writing," for example, is a listless document because it has so little to do with Wright's actual career, or that of any important black novelist or poet of Wright's time. It was Baraka who broke most vigorously with the traditional desire for class complicity between the educated black artist and his reticent, if not hostile white counterpart; Baraka who assaulted the matrix of crypto-philosophic assumptions with which bourgeois culture surrounds and stifles the aspiring poet, assumptions particulary surrealistic in black face. Baraka often brutally exposed the failure of intelligence that linked writers of an oppressed group to such notions as that of the viability of Christian piety as a substitute for secular power, the necessary and inherent vagueness of moral inquiry, the romantic essence of love and death, and the pastoral or the nightmarish interpretations of the natural world. In other words, he rebelled against the imposition on black poetics of the normal and often pernicious translation of the history of the white middle class into the laws of immutable human nature, an imposition which practically guaranteed the mediocrity of black literary art by securing the marginality of its relationship to black experience. Baraka revived the central debate of the Afro-American experience—whether or not the black is assimilable into American culture—and powerfully if not irresistibly asserted the negative position. Applying Hegelian theories of unitary consciousness to give meaning to what he saw as the spiritual, African base of his people's hybrid culture, Baraka applied his art to the full dramatization of the conflict between the African roots and the grafted colonialist features of Afro-American art. Often violent, vindictive, sardonic, and reductive in expressing his antipathies, he sacrificed the comforts of his privacy—the solace of the mask—for the dangers and glories of the renegade life. In spite of the contributions or claims of other nationalists such as Askia Mohammed Touré, Ron Karenga, and Larry Neal, the major credit for the apparently irreversible revolution in Afro-American esthetics in recent years

Baraka
by David Schorr

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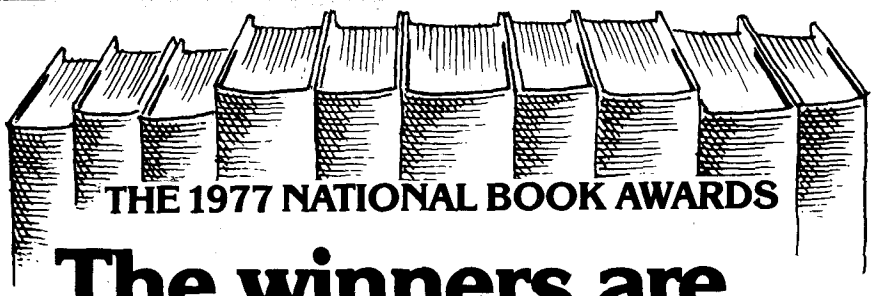
belongs principally to Baraka. That he has moved on to Marxism does not cancel his credit, for a marked if varying degree of nationalism is the base on which the black American must build all other durable structures of humanistic understanding.

The difficulty in understanding Baraka is considerable. Often stridently didactic and deliberately simplistic as a poet speaking to the black masses, he nevertheless could not conceal the formidable extent of his reading in the European literary and philosophic traditions. This learning sometimes appears half-digested mainly because of Baraka's later revulsion at what previously he had consumed so greedily. And neither his didactic nor his lyric, evocational verse gives adequate indication of the considerable analytical gift that emerges most powerfully not so much in his essays as in his drama. The great achievement of his career was the gradual imposition of dialectical discipline on a romantic sensibility continually nourished by his insecure sense of ethnic and political identity; behind a series of changing masks he entered his works—especially his plays—to make of his own character and history the principal focus of his refining sense of reason. To trace this evolution, needless to say, requires patience, understanding, and sympathy.

It is fitting, then, that Benston should emphasize in his study Baraka's achievement as a playwright, spending twice as much time on drama as on the verse. Nothing is slighted by this arrangement. Benston places Baraka in the context of general poetic and philosophic history and the swirling currents of his own time. The work intelligently traces the origins of Baraka's cultural contradictions, his developing sense of nationalism, his understanding of the significance of music to black culture, and the reflection of these concerns and of the considerable personal anguish of the poet in the brief, underrated novel *The System of Dante's Hell* and the verse from *Preface to a Twenty Volume Suicide Note* through *Black Magic Poetry* and beyond. The most brilliant and the possibly definitive analysis, though, is of Baraka's drama from *Dutchman* to *Slave Ship*, which Benston considers to be Baraka's masterpiece. The total portrait of the artist that emerges is rich, dense, and extremely compelling; it is the work of a superbly intelligent, shrewd, sensitive, and erudite student of the subject. The result is as fine an investigation of a single black artist as exists in our



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criticism. With one step Benston takes his place with the most accomplished of all writers who have commented on the literature of black America. No one interested in Baraka, in Afro-American literature, or in the phenomenon of cultural nationalism should avoid reading this striking book.

Arnold Rampersad

Arnold Rampersad teaches English at Stanford, and is author of *The Art and Imagination of W.E.B. DuBois* (Harvard).

In Necessity and Sorrow: Life and Death in an Abortion Hospital by Magda Denes

(Basic Books; $10)

Some years ago the author had an abortion. Age 37, a practicing psychologist and psychoanalyst, happily married and the mother of two sons, she was by all accounts an exceptionally privileged woman. The pregnancy was an accident; the decision to end it after only five weeks was hers alone; the minor surgical procedure in a legal abortion facility in New York City should have been straightforward and uneventful.

Instead, Dr. Denes found her abortion traumatic. She broke down in tears and walked out of the hospital twice before finally going through with it. And several months later, still overcome with grief, she returned there determined to work through her emotional conflict in the manner she knew best—by talking it out. Armed with tape recorder, she hung around the hospital corridors, catching people on the run and often in moments of striking vulnerability. Transcripts of these conversations, so-called "in-depth interviews," are interspersed with personal commentary in the manner of a clinician's notebook and strung together to form this study.

Thus, we hear from a young woman about her anxiety as she lies "spreadeagle" on the operating table, her feet in stirrups, her fertilized ovum awaiting the surgeon's scalpel. A doctor admits to some reservations as he juggles a defective suction hose that is spurting blood and tissue in his face, sending the squeamish Dr. Denes reeling from the room.

Denes seems undisturbed by either the charged circumstances of her data gathering or the distortive mechanism of her own emotions. She passes herself off as a scientist, but regrettably there is little that is empirically sound about her mode of inquiry or analysis. She is herself at the edge of hysteria during the better part of her odyssey through the hospital, and although in the end she counts herself as a supporter of legalized abortion, her lurid descriptions of its practical aspects seem about as reliable and responsible as those enlarged snapshots of dead fetuses that have been distributed over the years by the Right-to-Lifers.

A single line from the text is revealing of Denes's state of mind. Heavily sedated women, whose faces naturally appear confused as they are transported to and from the operating room, become in a flight of metaphoric fancy "women full of sorrow and solitude, here being wheeled like a stricken army toward the bloody resolution of internal wars."

We have here an abortion facility where the lab technician is hermaphroditic and the messenger is epileptic. The telephone operator believes she would have been better off unborn; the bookkeeper insists that sex is a disappointment; the social worker, on the other hand, boasts of having taken on as many as 11 men in one night. The relevance of all this to their common enterprise is never examined. Denes's intent is only to titillate. She apparently assumes that abortions are tainted by the tragic life histories of the people who perform them.

In fact, these hospital employees have surprisingly little to say about their jobs. Most find the work they do joyless, to be sure, but socially necessary and responsible. Few in their uninterrupted monologues seem nearly as upset about handling fetuses as the overwrought Dr. Denes keeps insisting they ought to be.

Then there are the physicians, all of them vile individuals who hate women, cheat on their wives, and are only out to make a fast buck. Again a word or two of explanation seems indicated, but none is forthcoming. Denes observes the staff of a marginal proprietary hospital that cashed in on the onslaught following the 1970 liberalization of New York's abortion law. That these men were not representative of all practitioners—particularly some of those in non-profit abortion clinics—might explain why their hospital closed down after the Supreme Court decision three years later made abortions more readily available. It failed, one suspects, because the service it provided was inferior; it probably did not "disintegrate through a cumulative sense of horror," as Denes melodramatically suggests.

Toward the patients of the hospital she is hardly more sympathetic. Stories of madness, incest and rape mingle with such everyday pathology as loneliness, neglect, cruelty, desertion and disease, one social worker reports sadly. But the sensitive Dr. Denes cannot bear it, and she hides her elitism behind a patois of existential suffering. "Humanity," she writes with a flourish, "I love you in small doses and from a distance. Because from up close your maggot-eaten, vulture-picked wounds stink to the high empty heavens." Only pages apart, however, she watches in relief as a Puerto Rican welfare mother is aborted but cries out in sorrow for the interrupted pregnancy of a young unwed Hungarian girl with whom she identifies more closely.

The more one reads of this book, the greater is one's sense of its insidious distortion. Fully half of the text, for example, describes second trimester saline abortions with no mention of the fact that they account for less than 10 percent of the total number of abortions performed. With a strong sense of theater, Denes marches into the pathology lab of the saline floor and examines the fetal specimen that awaits incineration following the procedure. She lifts one from the bucket of formaldehyde in which it is "swimming," blithely identifies it as a "small naked person," and with sleight of pen simply skims over the fundamental moral question that has sparked the abortion controversy. The face of the fetus evokes a memory of a young Russian soldier lying stiff with death and cold on a wintry hillside. Abortion and killing are synonymous to Denes; there are no two ways about it, and she is repelled morally and viscerally by her experience.

It is difficult to argue with so poignant a reaction. It is less difficult, however, to demand that a trained clinician sort out her personal thoughts and feelings from those she ascribes to others. This is

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where Denes gets bogged down. She gives us a strong sense of the emotional price that she has paid for the privilege of controlling her own body, but her claim that the cost is necessarily shared by all women who abort their pregnancies is simply not sustained by the evidence she presents.

A controlled inquiry into the psychologic impact of abortion on women would make a worthwhile contribution to the growing literature in the field, but it will have to await a more dispassionate observer, one who is able to recognize at least the possibility that the lawful ending of an unwanted pregnancy may bring joy and not sorrow, relief and not guilt, self-esteem and not despair.

Ellen Chesler

Ellen Chesler is a fellow of the Ford and Rockefeller Foundations' Joint Program in Population Policy Research.

Reconsideration

The Poetry of Richmond Lattimore

Richmond Lattimore's *Poems From Three Decades* was published in 1972, and it appears to have met the same fate as the individual volumes which it includes. In his own bailiwick, the academy, many remain ignorant of Lattimore's accomplishments as original poet, knowing him only as a translator. Indeed his wide reputation as a translator is probably in part accountable for his as a poet: potential readers may have assumed that a classical scholar would be a hide-bound poet, obsoletely formalist, a bit tame.

To skim his verse is to sustain the prejudice. Even in those pieces which avoid measure and rhyme (they are outnumbered by sonnets, sestinas and other rigorous structures), Lattimore does not aim to startle. When he pictures a seascape, for example, he directs himself to

> *traverse, loop in, and hold*
> *the scenes of which this mile is composite*
> *in the sightless frame of an hour.*
> *("Despair in Seascape")*

A "modernist's" moment, to be sure. But it contains no real surprise. The speaker confronts randomness and strains to mold it, to hold perceptions which will not themselves hold still.

The strain is futile: the beach "smudges off/ into soft strokes, haze of dunes and undefined limit of surf." Lattimore concludes that "Dufy, Grandma, or Alice should have painted/this poem I could not write." It is the somewhat shopworn protest of the poet against poetry, the man of words against the cheat of words.

But why Dufy, Grandma, Alice, two so-called "primitives" and a heroine of fantasy? (I take the Alice to be Lewis Carroll's.) The desire to "hold" a "composite" scene is, I think, shown to fit the fantastic and/or primitive mentality—that of the visionary or celebrant of elemental energy—better than it does a writer such as Lattimore, whose admitted perspective is so limited as to be "sightless." The writer protests less against the insufficiency of his medium in a grand scene than he does against the insufficiency of his own characteristic use of that medium.

Lattimore is unsuited to a sweeping vision by temperament and by choice. Not that he is (as some reviewers casually infer) a kind of neoclassic by default. He resists all generalities, including the "classic" ones of general nature, general diction. And his failure (or refusal) to arrive at synthesis often dramatizes his scene's incidentals:

> *All the most loved and vulgar knees and knobs,*
> *angles of people, posts and piles, also specials*
> *as marlin, nuns, blimps, storms*
> *became as wingless, slipping in fragmentary space,*
> *more gone when they were there than they are now.*

The impression of randomness generates specific perception; the frustration of generality generates the poem. The poem is what is left over.

Its defenders would call such a calculus "mature"; detractors would call it stingy, timid—even trivial or constricted or mean-spirited. Much hangs on how the reader answers a whole set of modern questions. Do we impose form and restraint on the welter of experience in order to deal with it, or do we try to encompass it in the hope of an ultimately coherent vision? Do we want adventure or stability, full measures or half-measures, absolute or qualified affirmations/denunciations?

The questions transcend poetic controversy but include it. This was perhaps truer than usual in 1972, when the very qualities of triviality, constriction and mean-spiritedness struck many poets (and poetry-readers) as pervasive of the political sphere. For their part, the judges of the National Book Award (never unconscious of "politics" in every sense) chose Allen Ginsberg's *The Fall of America* for their poetry prize. It was harder than it sometimes is to gainsay their choice, for Ginsberg's volume had more than great intrinsic merit. As an antidote to the plastic PR idiom of the Nixonians, as a strenuous warning that language must return to the heart and guts, *The Fall of America*—rooted in the totalistic impulse of Whitman, the honest indignation of Blake—was superbly apt, even prophetic. But its eminence showed that 1972 was no year for a Richmond Lattimore, some of whose students were still conceivably wearing their "Either/Or" buttons.

Lattimore has something to tell us, his healthy irony and his tentativeness (as opposed to cynicism or despair at chaos) directing us to mistrust total solutions, not so much affirming The System as fostering suspicion of *systems*, grandiose schemes of whatever order. Even concerning his own poems, he warns us: "Do not by these know/ about,/therefore, also,/no doubt." Always to seek conclusion, ultimacy, finality—in short, ideology—is to miss simpler revelations, common "humanities." And Lattimore cautions us that such oversight is lamentable, even dangerous. His irony not only frees him into an awareness of local joys and sorrows but also guards him (us) against a totalism which may portend totalitarianism. His "Sonnets From the Encyclopedie Britannica," for example, point the perils of the synthesizing gesture, the celebration of titanic Selfhood. Remember Hirohito, who "officially designated" his reign as one of light and peace by "his own manifesto,

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circulated/through all the realm"; or Hitler's redemptive promises as he galloped from obscurity to "at last Reichs-Führer with supreme authority." The poet's "turn" in the Hitler sonnet is exquisitely wry: "He does not use/tobacco or liquor, and he has no wife."

But the wryness, here and elsewhere, has a moral purpose, too. Better the pleasant, if in some respects banal, moments over cocktails at home with "the wife" than the catastrophic yen to storm history. Lattimore is far too vibrant to fit the tepid Nixonian "silent majority" fantasy; but he does present the apocalyptic urge (social, religious, poetic) as at best delusion. For more than three decades, he has been telling us what certain modish prophets (social, religious, poetic) now offer as mordant insight: Get used to scarcity; get used to the small comforts.

Lattimore learned the lesson at home. His small readership is the dues of championing modesty and of practicing it. Yet even the title of this altogether characteristic poem speaks for his insistence that a few true fellows are more valuable than a battalion of disciples:

A Letter to Twelve People

Bring back the early summer when you come,
and nine o'clock, and the gray angles
of towers breaking gleams along wet cobbles,
and lamps spilling on tangles

of water plied like rope; and bring the night
kneeling quiety on Witham, and the strain
of ivy on the broken cloister, and bring
the drip of water, and the after-rain

stillness of thick trees sleeping in the stream
on their own quiet idols there; and you
will float these gifts along your path for me.
These are the things we knew:

a bridge, a weir, an inn, a fallen tree;
the wakening lights a net laid slack
on the gray city, and all that was held in these.
Bring them when you come back.

Here one responds initially to quietness and its associations, counter-pointed by evidences of time's erosion—grayness, breaking, kneeling, falling. But the subtle strength of the poem lies in the tug of shared experience, the faculty which organizes, which (as the poem's arrangement shows in its style) turns desultory occasions into formalities. Perhaps the moments celebrated here are indeed "trivial"—especially from a mediator of epic—but they make a non-heroic age more than merely tolerable.

To Lattimore restraint is not absence of feeling. Rather he aims (like Wordsworth, Frost, or even Wallace Stevens) at a range of feeling that is available to the average Joe, whom he considers heroic in his mere effort to get by in our time. His own "Invictus" is an allegory of qualified victory over despair, whose pit he and we "in desolate morning cross over and climb to/a shelf-rock half way up the other side":

If we can only go on saying what we must go on
saying: if our voice is mournful monotony, as rain insists
all dripping night; if we protect too much the malevolence

of our dirty-gray intentions and our mornings-after of lovemaking,
we are not necessarily waste or weary; we may still be
the batboy who made the team, the third son who was stupid.

The emphasis is on *us*—more likely third

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sons or batboys than crafty Odysseus or wrathful Achilles, but important nonetheless. Lattimore respects our capacity, however limited, to experience comedy and tragedy, setback and gain; his description of his own "Verse" implies his courage to be generous, modest. "Nothing sacred here: . . . /no bardic beard on the high hill line communing/with stars and muses . . . /still less is it/to open the abdominal wall and invite approval of my intestines displayed . . . /but comes of some oyster's irritant, some cinder promoting/iris and spangle: that will not tolerate tranquility, until the/percept is caught, sealed, fused, transposed as artifact./The process itself is too undignified to be worth description." The poet refuses either to pretend a redeemer's madness or to retreat into a self-regarding confessionalism. He remains "undignified" in his very commonplaceness. Literarily, he remains the way we are actually: a rather mixed figure, a middle man (his poems are filled with reference to middle states: geographical, seasonal, diurnal, autobiographical), possessed neither of the supreme light nor darkness—neither lacking in pain nor joyless, merely common.

If in the '60s we sometimes failed to distinguish between social idealism and demagogic cant, perhaps five years ago readers wrongly equated this poet's genuine humility with "academic" diffidence in the face of contemporary issues and events. Radical democracy can be served by many approaches, provided that each is graspable by all who want it. It is precisely the graspable that Lattimore urges as the stuff of poetry and of life: "Live only to understand/only the thing in your hand,/the sight that sticks in your eye,/the wish that sticks in your heart/and will not let you be/until it is made art."

Sydney Lea

Sydney Lea is chairman of creative writing at Dartmouth.

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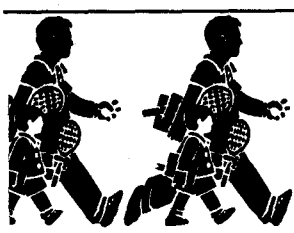

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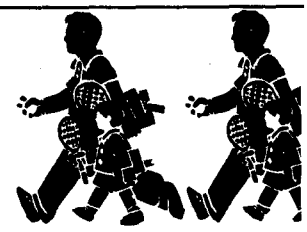

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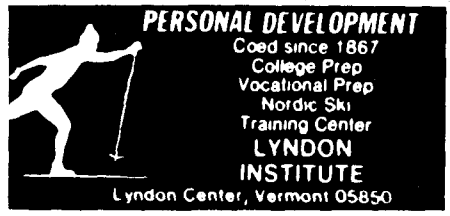

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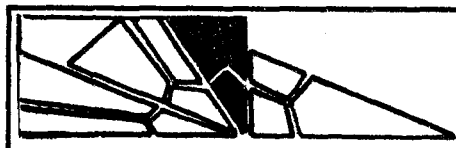

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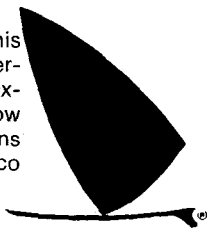

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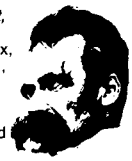

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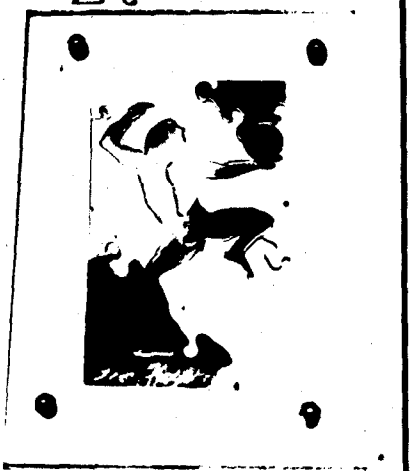

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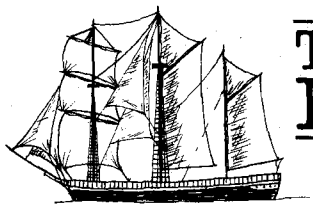

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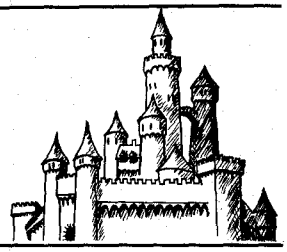

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Washington Diarist

The First Hundred Days

Jimmy Carter has virtually invited us to compare him to FDR; but at the benchmark of the first 100 days, he will not find the comparison flattering. The polls tell us he has established a rapport with the people that reminds many old-timers of Roosevelt, and that's about where the analogy ends. We surely have not been through a "renaissance spring," which is how Rexford Tugwell recalls the early months of the New Deal. Another comparison might be more consoling to Mr. Carter: 16 years ago at about this time, the only visible outpost of the new frontier was on the Bay of Pigs in Cuba. Look again at Arthur Schlesinger's vivid narrative of FDR's heady opening days to appreciate the contrast. One of Roosevelt's first accomplishments was to get Congress to modify the Volstead Act so that the Prohibition amendment would no longer cover wine and 3.2 beer. With that done and the Emergency Banking Act passed, the administration went on to establish the Civilian Conservation Corps and the TVA, abandon the gold standard, and secure legislation setting up a national relief service, refinancing farm and home mortgages, reorganizing agricultural credits and transportation priorities, guaranteeing bank deposits, separating commercial and investment banking, obliging full disclosure in the sale of new securities, initiating a $3.3 billion program of public works . . . .

On signing the National Industrial Recovery Act, Roosevelt enunciated what was at once an economic and ethical principle. The administration would aim at increased employment and increased wages "even at the expense of full initial profits. . . ." With reference to both energy and unemployment, Carter cannot bring himself to say to the already quite profitable business sector that higher profits must wait. What's not yet clear, however, is whether that's out of timidity or conviction. Of course the country does not lie prostrate as it did in 1933 so Draconian choices may seem unnecessary. We were then also quite sure that greater productivity was a sound national goal; most of us probably still think so today. But we are so inhibited by the new ethos of "less is better" and "small is beautiful" that we do not act decisively to restore our productive and consumptive capacities.

Lord and Lady Redesdale produced five daughters. Nancy Mitford wrote books with what Louis Kronenberger once called a mania for magnificence. Deborah married the Duke of Devonshire, the most elevated of the nobility of the robe. Unity fell in love with Hitler and Hitlerism. (*TNR* contributor David Pryce-Jones has just published a marvelous book on this symptomatic silly goose and her awful circle.) Diana married *Der Fuehrer*'s vicar in England, Sir Oswald Mosley. Her autobiography has just appeared there, following on Mosley's smug confessions and the more recent effort at vindication by an authorized hagiographer. Which leaves Jessica who was (and may still be) a Communist. She also writes—facilely and with what is termed "style." This last Miss Mitford is now an American and married to a California lawyer named Robert Treuhaft, the son of a Jewish immigrant milliner. Excerpts from her forthcoming memoirs appeared recently in the *New York Times Sunday Magazine*. They show her to be as fundamentally frivolous as her other politicized siblings and as arrogant. With Jessica, it is the special *hauteur* of the spoiled aristocrat and the smart-assed revolutionary who does not know that fire is hot. She ridicules her mother-in-law for what no doubt were considered gaucheries at Swinbrook, the family seat, but were common enough among the common people whom Decca, as she is called by intimates, purported to adore. Had she been in her teens in the '20s, Decca would have been flaming youth. But she is a child of the '30s, which means that she became rebellious youth. What one rebelled against then were the slow and indecisive, yes often hypocritical institutions of democracy. So Diana and Unity venerated the new Germany and Jessica the new Russia. There is less introspection about politics in Jessica's writing than in Diana's, though the cause Jessica served has as much blood on its hands as does Fascism. But Jessica Mitford writes of communism as picnics and songfests and Paul Robeson concerts and, at its most serious, picketing, leafletting, canvassing. We all know better now. How unfurrowed a brow she must have. In politics, I suppose, *chacun à son gout*. But there's a severe judgment about moral hygiene to be made when someone's stomach can tolerate so much so long. I'm not much for the literature of apostasy. But memoirs of an unexamined life are even less attractive.

In some areas of foreign policy, despite the quicksilver amateurishness of administration pronouncements, our new President has certainly done much better. Whatever minor tactical temporizing we are now seeing, at last we have a chief executive intent on the extension of human rights at home and abroad. On this score his achievements are impressive by any standards. Even though in Cyrus Vance's premier foray to Moscow Carter made the Russians an offer they could hardly not refuse, at least there is now someone in the White House eager for deep and reciprocal cuts in the strategic arms arsenal.

Andy Young has offended his colleagues at State again, this time with his comment that Arab attitudes towards Israel are much like those of the Ku Klux Klan about blacks. The trouble, of course, is that Young is right; what that suggests is that you can't put much credence in the sparse Arab rhetoric of peace. But that's precisely the currency which Israel is being offered in return for far-reaching territorial concessions. I've just read a remarkable book by Alvin Rosenfeld which documents Young's observation. Its paranoid-sounding title, *The Plot to Destroy Israel*, unfortunately will not encourage readership. But it does confirm a wise teacher of mine who used to say that anyone in this world who's not paranoid is crazy. It is a truism reinforced by the multiple tragedies of Jewish history. The particular case made by this able and knowledgeable journalist, however, is scrupulously argued. Americans will not understand the enmities in the region until we stop seeing them in wholly political terms. It is a shame that national character studies are no longer in fashion in the academy. For if they were, Dr. Brzezinski might commission some sociological and anthropological papers on the meaning of words and promises in the Arab mind or on the relentless nature of group hatreds in that part of the world. A top-level State Department Arabisant once told me that wars in the Middle East are like Democratic primaries: Once they're over everything settles down. That is, I suppose, something of a caricature of official Washington's views. But it is fashioned from the same willful optimism which animates the eager peacemakers.

M. P.

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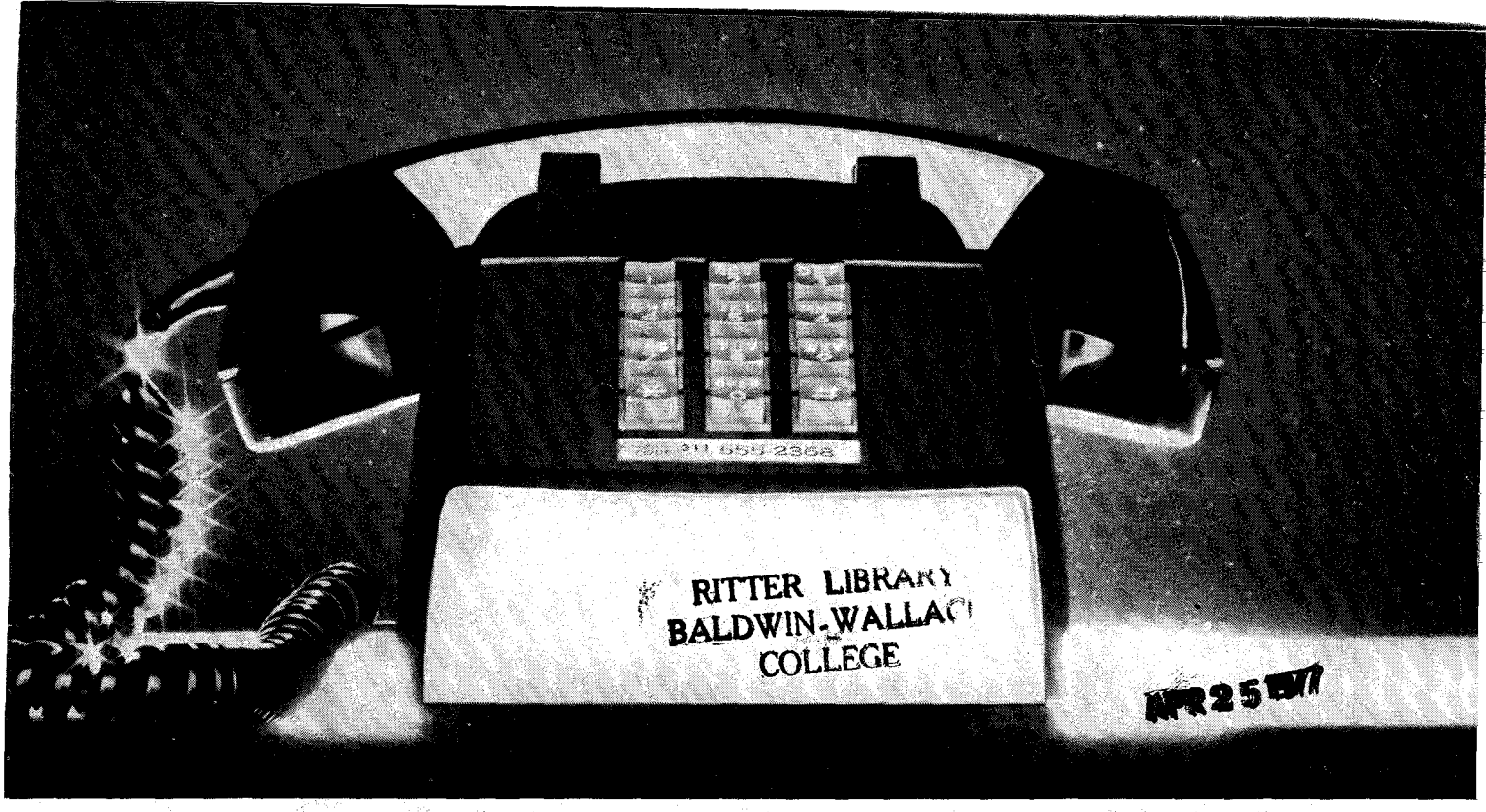

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